

**DRAFT**

MEMORANDUM

To: Ned Pettus, Jr., Ph.D., Director, Department of Public Safety  
From: Douglas A. Sarff, Human Resources Officer  
Subject: Disciplinary Investigation Regarding Company Business Vacancy  
Date: July 12, 2019

**EXECUTIVE SUMMARY**

Deputy Chief Reall banked 890 hours of time based on hours he claimed working on days that were not his duty day in violation of the Collective Bargaining Agreement.<sup>1</sup> He was not entitled to bank this time. He failed to properly follow his own accounting system for a benefit he was not entitled to by giving himself 12 more hours than he actually “earned” and failed to deduct 12.5 hours that he actually “used.” Deputy Chief Reall also inappropriately used 469.8 hours of CBV time that he banked and used 343 hours in a manner that can only be described as the falsification of payroll.<sup>2</sup> The economic impact of the time: inappropriately banked, inappropriately utilized, inappropriately accounted for, and falsified by Deputy Chief Reall was approximately \$442,983.36 from 2016 to 2018.<sup>3</sup>

With respect to falsification of payroll, Deputy Chief Reall pretended to performing work for the City of Columbus while also getting paid concurrently and redundantly by the City of Columbus and other employers. First, Jack Reall claimed that he was conducting training for OHTF1 on October 14, 17, 20, and 23, 2016 but was instead working for a private contractor in Virginia and was paid \$2,200 for the class while also being paid by the City of Columbus.<sup>4</sup> Second, Jack Reall claimed that he was revising a structural collapse technician training for

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<sup>1</sup> See M13

<sup>2</sup> See M13

<sup>3</sup> See M12, M13

<sup>4</sup> See Virginia Task Force 2 and VA2.

OHTF on January 14, 2016 but instead was working for a private contractor in Texas and was paid \$3,142.45 while also being paid by the City of Columbus.<sup>5</sup> Third, Jack Reall claimed that he was working for OHTF1 on February 26<sup>th</sup>, March 1<sup>st</sup>, and March 7<sup>th</sup>, 2017 but instead was working as a private contractor in Texas and was paid \$7,085 while also being paid by the City of Columbus.<sup>6</sup> Fourth, Jack Reall claimed that he was working for OHTF1 on October 12, 2017 but instead was working as a private contractor in California and was paid \$3,200 while also being paid by the City of Columbus.<sup>7</sup> Fifth, on November 5, 2017, Jack Reall used 19 hours pretending to work for OHTF1 but was instead preparing for a class for which he was getting paid \$1,078. Sixth, Jack Reall claimed that he was working for OHTF1 on November 14, 2017 but instead was working as a private contractor in Texas and was paid \$1,200 while also being paid by the City of Columbus.<sup>8</sup> Seventh, Jack Reall claimed that he was working for OHTF1 on December 11, 2017 but instead was working as a private contractor in Virginia and was paid \$1,430.00 while also being paid by the City of Columbus.<sup>9</sup> Thus, Jack Reall earned approximately \$19,335.45 working for another employer while also claiming he was working on behalf of the City of Columbus and being paid concurrently and redundantly by both.

Assistant Chief Cannell indicated that he implemented a plan where Deputy Chiefs were compensated hour-for-hour for any additional time worked. Deputy Chief Jack Reall is a salaried employee who is paid \$157,086.91 a year. Deputy Chiefs are not contractually permitted overtime or comp time. Assistant Chief Cannell initially indicated that CBV could be used within a short amount of time but in a subsequent interview he indicated that it was

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<sup>5</sup> See Texas A&M Engineering Extension Service (TEEX) below and TEEX3

<sup>6</sup> See Texas A&M Engineering Extension Service (TEEX) below and TEEX4

<sup>7</sup> See Texas A&M Engineering Extension Service (TEEX) below and TEEX8; This date was changed from CBV to vacation after Jack Reall was warned that others were watching his time.

<sup>8</sup> See Texas A&M Engineering Extension Service (TEEX) below and TEEX5

<sup>9</sup> See Texas A&M Engineering Extension Service (TEEX) below and TEEX2

permissible to use this time as long as the Deputy Chiefs kept track of it.<sup>10</sup> When Assistant Chief Cannell was asked how he kept track of this he indicated that the Deputy Chiefs are on the honor system but that Deputy Chief Reall could account for his time and that it has been checked at times.<sup>11</sup> Assistant Chief Cannell, in the second interview, clarified that he only asked if someone's time was covered but never checked.<sup>12</sup>

The agreement between Assistant Chief Cannell and his staff violated Sections 12.7, 13.1, 13.2, and 16.2 of the Collective Bargaining Agreement between City of Columbus and the International Association of Fire Fighters, Local 67. Thus, Assistant Chief Cannell provided an additional source of compensation not permitted in the Contract that was neither approved by the Safety Director nor ratified by City Council.

Assistant Chief Cannell was asked if it was a problem if a Deputy Chief was not tracking and deducting their time properly. He indicated "well, obviously it is now."<sup>13</sup> Thus, Assistant Chief Cannell did not believe it was a problem until someone got caught. Assistant Chief Cannell does not appear to be fazed by the usage of CBV and defiantly indicated "as far as I'm concerned we're getting a damn good deal."<sup>14</sup>

Chief O'Connor was given notice of these problems before that information was provided on September 28, 2018 in the publication from "The Worm" but he failed to take sufficient action to address the problem.

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<sup>10</sup> At Page 2 – 11/29/2018 Interview- James Cannell; At 30-44 – 4/29/2019 Interview- James Cannell

<sup>11</sup> See Page 2 – 11/29/2018 Interview- James Cannell

<sup>12</sup> At 389-418 - 4/29/2019 Interview- James Cannell

<sup>13</sup> At 1437-1442 - 4/29/2019 Interview- James Cannell

<sup>14</sup> At 1495-1532 – 4/29/2019 Interview- James Cannell

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## **BACKGROUND**

This investigation focuses on Fire Chief Kevin O'Connor, Assistant Chief Cannell, and Deputy Chief Jack Reall regarding the appropriate use and oversight of Company Business Vacancy (CBV). CBV is generally recognized as a code indicating that an employee is working for the Division of Fire but is not in their current position. This would indicate to the Division that this person needs to be replaced by another. CBV does not automatically indicate that time is being misused; however, the investigation revealed numerous times where Jack Reall misused this time.

Around September 26, 2018, a complaint was delivered to the Division of Fire authored by "The Worm." Historically, "The Worm" was an anonymous publication circulated among Firehouses that complained about various issues within the Division of Fire. It is assumed that there have been multiple authors over the years and the reliability and accuracy of the information has varied. When the Director's Office became aware of the complaint, Fire Chief O'Connor was asked to forward the correspondence from "The Worm". Fire Chief O'Connor sent the correspondence on September 27, 2018.<sup>15</sup>

Of particular interest was the allegation that Deputy Chief Jack Reall was using CBV for vacation. The job classification of Deputy Chief is a high level position that is required to run the Division of Fire. Deputy Chiefs are typically backfilled when they are off work, which creates a domino effect that impacts 4 ranks below the vacancy that also must be filled by employees working out of class at premium pay or by calling in additional employees for overtime.

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<sup>15</sup> See M10

Information was initially gathered to verify Deputy Chief Jack Reall's use of time for the last several years. It was determined from a review of Telestaff<sup>16</sup> for the years 2016, 2017, and 2018 that Deputy Chief Reall was on CBV, volunteering to work for Ohio Task Force 1 (OHTF1)<sup>17</sup>, on Special Duty, or in training a significant amount of his work time. Thus, most of his time should have been easily verified from multiple sources.

Information was requested from the Federal Emergency Management Agency (FEMA) and Ohio Task Force 1<sup>18</sup> in order to verify Deputy Chief Jack Reall's usage of time. Fire Chief O'Connor was also requested to provide information on the use of CBV and Special Duty.<sup>19</sup> In October of 2018, when records were requested from FEMA and OHTF1, it soon became apparent that FEMA was unwilling to cooperate. Numerous emails were sent to the U.S. Fire Administrator and FEMA requesting the necessary information, however, they would not release most records without the consent of Jack Reall.<sup>20</sup> The nature of the inquiry was clarified to FEMA and that it would be illogical that the City of Columbus would need Jack Reall's permission for personnel records needed to prove or disprove the alleged misuse of time.<sup>21</sup> Nevertheless, FEMA was unhelpful as documented in multiple emails.<sup>22</sup>

On November 29, 2018, Assistant Chief Cannell (Jack Reall's immediate supervisor) was interviewed and indicated that in 2015 he changed assignments and required Deputy Chiefs, who

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<sup>16</sup> Telestaff is the Division's staffing program that records the time of each employee for staffing purposes.

<sup>17</sup> Jack Reall and other Division of Fire employees have, for several years, participated on OHTF1 where the City of Columbus allows employees to train for search and rescue operations and eventually be deployed during wide-spread natural disasters. He and several other employees of the Division are allowed to voluntarily participate in official OHTF1 training and deployment on paid city-time because the City of Columbus is a participating organization.

<sup>18</sup> Ohio Task Force 1 is a FEMA Urban Search and Rescue Task Force that serves Ohio and the nation. Participation is voluntary and the City of Columbus has traditionally allowed participation with this group on a voluntary basis.

<sup>19</sup> See M11

<sup>20</sup> See FEMA 1-FEMA 8.1

<sup>21</sup> See FEMA 2

<sup>22</sup> See FEMA 1-FEMA 8.1

worked on a platoon shift, to be in charge of special operations.<sup>23</sup> This change would require Deputy Chiefs to occasionally work on their day off. He also indicated that he implemented a plan where Deputy Chiefs were compensated hour-for-hour for any additional time worked. Deputy Chief Jack Reall is a salaried employee who is paid \$157,086.91 a year. Deputy Chiefs are not contractually permitted overtime or comp time.

The agreement between Assistant Chief Cannell and his staff violated Sections 12.7, 13.1, 13.2, and 16.2 of the Collective Bargaining Agreement between City of Columbus and the International Association of Fire Fighters, Local 67. Thus, Assistant Chief Cannell provided an additional source of compensation not permitted in the Contract that was neither approved by the Safety Director nor ratified by City Council. Assistant Chief Cannell initially indicated in his November 29, 2018 interview that all of Deputy Chief Reall's time was tracked and that he checked it at times.<sup>24</sup> During Assistant Chief Cannell's second interview on April 29, 2019, he indicated that he never checked it.<sup>25</sup>

The issue in this investigation, after a preliminary review, indicated possible criminal activity. However, the information needed to prove some of the alleged conduct was not available since neither FEMA nor the U.S. Fire Administrator was willing to provide the necessary records. The City Attorney's Office (CAO) was contacted regarding this issue and the possibility for pursuing the allegations criminally and/or obtaining records through a legal process. Based on a lack of obtainable records at the time, a lack of previous success in obtaining similar records from the Federal Government, and a lack of previous success in obtaining prosecution based on payroll

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<sup>23</sup> Special Operations include several functions that require specialized training such as the: Bomb Squad, Arson, TEMS (tactical EMS), and Rescue.

<sup>24</sup> See Page 2 – 11/29/2018 Interview- James Cannell

<sup>25</sup> At 389-418 - 4/29/2019 Interview- James Cannell

documentation, the CAO indicated that the Department of Public Safety should proceed with an administrative investigation.

This issue regarding whether a criminal investigation or administrative investigation should proceed first is a typical problem that is encountered in a public sector investigation. The public sector employee does not waive their Constitutional rights when they come to work. However, the City of Columbus, Central Work Rules requires employees to fully participate in a disciplinary investigation. Nevertheless, the City of Columbus cannot compel an employee to provide evidence against himself in a criminal case by threat of possible termination for not cooperating in an investigation and then turn around and use that information in a criminal case against him.<sup>26</sup> Because of this, generally, the criminal investigation is performed first and then the administrative investigation is performed second. If there is insufficient evidence to proceed with the criminal investigation, evidence discovered in an administrative investigation cannot be handed over for criminal prosecution.<sup>27</sup> This information was detailed to Jack Reall by the Division of Fire's Administrative Investigations Unit (AIU), as typically done, before the investigation began.<sup>28</sup> Regardless, insufficient information was available to take any action without compelling him to cooperate in an administrative investigation. Eventually, Jack Reall provided some of the necessary information in the administrative investigation to prove the administrative case against him despite at times being untruthful and/or fully cooperating and providing all requested documentation.

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<sup>26</sup> See *Garrity v. New Jersey*, 385 U.S. 493 (1967) for a brief review regarding the 5<sup>th</sup> and 14<sup>th</sup> amendment issues encountered.

<sup>27</sup> However, a criminal investigation may be done independently.

<sup>28</sup> See M14.1 states "you are being ordered to fully and truthfully answer all questions asked, and your failure to do so could result in the termination of your employment. Because of this order the information gained from this interview may not be used against you in any criminal proceeding, except for charges of Perjury. Do you understand this directive and your rights as defined under Garrity?"



Deputy Chief Reall was ordered to participate in an investigation. On February 1, 2019, Deputy Chief Jack Reall was ordered to the AIU of the Division of Fire for his first interview.<sup>29</sup> Since Deputy Chief Reall was in the I.A.F.F Bargaining Unit, he had to be given all the regular requirements provided to other bargaining unit employees even though the investigation was being conducted by the Director's Office per Section 37.5 of the Collective Bargaining Agreement. Deputy Chief Reall was instructed in writing to contact FEMA, OTHF1, and other sources in order to obtain any documentation needed to justify his time off.<sup>30</sup>

On February 19, 2019, Deputy Chief Jack Reall was interviewed from 8:08 A.M. until 3:15 P.M where he was required to painstakingly account for every instance of CBV, OHTF1, or any other time where he was away from the Division of Fire. He did not provide all of the justification for his time and was instructed to obtain the remainder of the documentation.

Deputy Chief Reall was interviewed again on February 25, 2019 from 8:14 A.M. until 11:07 A.M.<sup>31</sup> He essentially claimed that his time was accounted for and that Assistant Chief Cannell and Fire Chief O'Connor were aware of his usage of time and it was approved.

During the accounting of Jack Reall's time, several sources were used due to complexity of the entire payroll and staffing systems. The staffing program "Telestaff" is different from the internal Division of Fire payroll system "Firepoint" which is different from the "Bridge" system that reports pay codes to the Auditor's office for the processing of payroll. Neither staffing codes that show up on Telestaff nor payroll entries on Firepoint reflect how anyone is actually paid in Bridge. An employee who indicated they were on CBV to payroll on an OF 237<sup>32</sup> is reported as time worked (i.e., code "01" in Bridge.) Payroll regarded CBV as time worked.

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<sup>29</sup> See M14

<sup>30</sup> See M14

<sup>31</sup> See M14.1; M15

<sup>32</sup> The OF237 is the official form that is used to report pay status to payroll. It is sent from Deputy Chief Reall's office to Assistant Chief Cannell's office for approval and then sent to Human Resources.

Thus, if any employee indicated they were on CBV and they were actually on vacation or doing some other action inconsistent with the proper use of CBV, payroll would not know. For example, if a supervisor reported that an employee worked all day long, payroll would also not know that the supervisor allowed the employee to leave early. Payroll systems can be defeated and manipulated. The reporting and accountability for the use of time rests with the employee and their supervisor with oversight from management.

Assistant Chief Cannell has been in charge of Emergency Services, which includes staffing for the Division, since he was promoted in June of 2015. A number of failures occurred with his oversight of the staffing program. Assistant Chief Cannell encouraged the environment of non-accountability with his direct reports and had the ability to tighten or loosen procedures in Telestaff. He chose the latter and feigned ignorance to the abuse of time. Assistant Chief Cannell's lack of understanding as to what was occurring is difficult to believe since some of his direct reports indicated that he had a very tight control over staffing and was aware when a person was out of place in Telestaff.<sup>33</sup> There are a number of Telestaff codes that account for employees in the Division.<sup>34</sup> However, the codes have no definitions and the policy has not been updated in a decade.<sup>35</sup> Thus, there are no definitions and no indication of what is the appropriate use of CBV or any other code. The lack of accurate and up-to-date policies with Telestaff and lack of oversight provided an ample opportunity to conceal the reason they were off.

Jack Reall used the code CBV when he was using time doing legitimate work for the Division but was not in his normal position. This is an appropriate use of CBV. Additionally, he also used it as a code for volunteering to working legitimately for OHTF1. This is also an appropriate use of CBV. However, he also impermissibly used this code as vacation. He and Assistant

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<sup>33</sup> See 650-669 – Interview- Shawn Koser

<sup>34</sup> Telestaff 3

<sup>35</sup> Telestaff 4

Chief Cannell agreed he could use CBV when he put in extra time off from his normal shift. He recorded the extra time he worked in handwritten notebook log. Again, this is not an appropriate use of CBV. Those who administer the payroll function within the Division of Fire have regarded CBV as time worked. However, CBV is not regarded as leave time. Jack Reall was putting on payroll form(s) (OF237), approved by Assistant Chief Cannell, recorded as “CBV” that made it appear to payroll that the hours were time worked. Thus, Jack Reall attempted to obscure the real purpose of the time by using “CBV.”

Fortunately, Telestaff is a program that all uniformed employees of the Division of Fire use. Telestaff entries of each employee are viewable. The author of the publication from “The Worm” recognized that Deputy Chief Reall was putting in for CBV while he also posted pictures on social media of himself not working for the Division of Fire. The Worm stated the following: “Deputy Chief goes on company business vacation and is stupid enough to post pictures of his adventures on social media while he is basically...I don’t need to say it. Someone needs to tell him that CBV is not free vacation.”<sup>36</sup>

Deputy Chief Reall banked 890 hours of time based on hours he claimed working on days that were not his duty day in violation of the Collective Bargaining Agreement.<sup>37</sup> He was not entitled to bank this time. Moreover, he failed to properly follow his own accounting system for a benefit he was not entitled to by giving himself 12 more hours than he actually “earned” and failed to deduct 12.5 hours that he actually “used.” Deputy Chief Reall also inappropriately used 469.8 hours of CBV time that he banked and used 343 hours in a manner that can only be described as the falsification of payroll.<sup>38</sup> In reviewing the total costs associated with this system utilized between Assistant Chief Cannell and Deputy Chief Reall, the economic impact of the

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<sup>36</sup> See M10

<sup>37</sup> See M13

<sup>38</sup> See M13

time that was inappropriately banked, inappropriately utilized, inappropriately accounted for, and falsified by Deputy Chief Reall was approximately \$442,983.36 from 2016 to 2018.<sup>39</sup> This information is detailed in the “Company Business Vacancy (CBV)” section below.

Additionally, during the investigation, it was noticed that Jack Reall went back and retroactively made changes in Telestaff to selected dates on November 11, 2017 which was in some cases eight months after the event. Jack Reall claims that he was given a general warning from Chief O’Connor that “others” were watching him. Jack Reall then went back and changed the Telestaff entries for approximately 9 dates and then restored most of them back after he claimed that Assistant Chief Cannell told him that he was entitled to this time. Both Fire Chief O’Connor and Assistant Chief Cannell denied this claim by Deputy Chief Reall. The “Changing Entries” section below discusses this issue in detail.

The investigation then discovered several irregularities related to his deployment for OHTF1 and FEMA after various hurricanes hit the country. Working with OHTF1 and FEMA is voluntary and has been approved by the Division. Deputy Chief Jack Reall estimated and gave himself 500 hours of CBV for this voluntary effort and claims that this was approved by Assistant Chief Cannell and Fire Chief O’Connor. Assistant Chief James Cannell indicated that when Deputy Chief Jack Reall was being deployed for Ohio Task Force One, he did not get to count that time as CBV and Jack Reall assured him that none of his time from deployment was being used.<sup>40</sup>

During his last deployment for Hurricane Florence, Jack Reall unilaterally removed himself as a member sponsored by City of Columbus in order to work with OHTF1 as a paid private contractor. Jack Reall was asked if he thought that was a fair exchange after the City of

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<sup>39</sup> See M12, M13

<sup>40</sup> See page 4 – 11/29/18 Interview- James Cannell; See 955-981 – 4/29/2019 Interview James Cannell

Columbus allowed him to train on the City's funding, allowed him to be deployed for something that is voluntary and not a part of his job at the Division of Fire, and after he gave himself 500 hours of CBV.<sup>41</sup> His response was that he was trying to work out an arrangement that was beneficial to the City but he requested to be an independent contractor.<sup>42</sup>

Around November 3, 2017, Deputy Chief Jack Reall provided overtime slips to Assistant Chief Cannell requesting overtime for 656.5 hours of overtime for volunteering to work various hurricanes for OHTF1 and FEMA. Both Jack Reall and James Cannell are aware that the Deputy Chief classification is not entitled to overtime or comp time. Jack Reall also requested overtime on three occasions for his regular scheduled shift. All of the requests for overtime were denied by Assistant Chief Cannell. Thus, it would appear that because he wasn't making enough money he decided to give himself a big bank of CBV hours after he attempted to trick the City into paying him overtime. Finally, he became an independent contractor for a function that the City of Columbus had been supporting for years. The accumulation of fictitious CBV time and the falsification of payroll continued. This information is fully described in the Hurricanes section below.

The process used by OHTF1 to deploy, demobilize, and keep track of legitimate OHTF1 functions for these voluntary assignments is fraught with problems and opportunities for deception. In reviewing the document sent from Evan Schumann<sup>43</sup>, Program Manager for OHTF1, to Chief O'Connor it is interesting to note that the Heavy Equipment and Rigging course (HERS) class in November of 2017 was listed in the documents outlining training

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<sup>41</sup> At 1354-1354 – 2/25/2019 - Interview- Jack Reall

<sup>42</sup> At 1360-1362 – 2/25/2019 – Interview- Jack Reall- (Jack Reall is referring to his numerous attempt to paid as a non-exempt employee.); At 1848-1849 – 2/25/2019 Interview- Jack Reall

<sup>43</sup> Evan Schumann is the Program Manager for OHTF1. He is the person from OHTF1 who sends information to the City of Columbus regarding, deployment, demobilization, training, and reimbursement for deployments from FEMA.

attended by Jack Reall.<sup>44</sup> However, the document obscured the fact that Jack Reall was not attending the class as a trainee, rather, OHTF1 was paying Jack Reall to conduct the class.<sup>45</sup> Thus, there appears to be a lack of accurate information from OHTF1 regarding what is being done for OHTF1 and what is being done by Jack Reall as an independent contractor.<sup>46</sup> Chief O'Connor indicated that he never paid attention to the report sent by Evan Shuman.<sup>47</sup> Assistant Chief Cannell was asked about the training, deployment, and demobilization records sent from OHTF1 since one or more authorizations were missing. He was asked if he checks these records. Assistant Chief Cannell indicated that he did not but just looks on CNN and watches for a hurricane to come through and assumes Jack Reall is going.<sup>48</sup>

Finally, and the most disturbing and egregious revelation, is the discovery that Deputy Chief Reall feigned performing volunteer work for Ohio Tasks Force 1 while also getting paid concurrently and redundantly by the City of Columbus and other employers. Thus, the City of Columbus was paying Jack Reall while he was accepting money for performing a function as an independent contractor for another employer. First, Jack Reall claimed that he was conducting training for OHTF1 on October 14, 17, 20, and 23, 2016 but was instead working for a private contractor in Virginia and was paid \$2,200 for the class while also being paid by the City of Columbus.<sup>49</sup> Second, Jack Reall claimed that he was revising a structural collapse technician training for OHTF1 on January 14, 2016 but instead was working for a private contractor in

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<sup>44</sup> See M5

<sup>45</sup> At 222-370 – Interview- Evan Schumann; See SCH8; See M17 where OHTF1 makes it look like this class was being given as a part of his regular responsibilities for OHTF1 with no indication to Chief O'Connor that Jack Reall was also being paid \$1078 for this class by OHTF1.

<sup>46</sup> See SCH8 This is a series of emails between Douglas A. Sarff and Evan Schumann. See April 24, 2019.; See SCH8.1; See CA2 records 1-23, These are the records Assistant Chief Cannell provided as what he gets from OHTF1. They do not give clear direction regarding when members are deployed and demobilized; See M17- OHTF1 records provided by Chief O'Connor.

<sup>47</sup> See 1183-1199 – 5/24/19 Interview- Kevin O'Connor

<sup>48</sup> At 1107-1135 - 4/29/2019 Interview- James Cannell

<sup>49</sup> See Virginia Task Force 2 and VA2.

Texas and was paid \$3,142.45 while also being paid by the City of Columbus.<sup>50</sup> Third, Jack Reall claimed that he was working for OHTF1 on February 26<sup>th</sup>, March 3<sup>rd</sup>, and March 7<sup>th</sup>, 2017 but instead was working as a private contractor in Texas and was paid \$7,085 while also being paid by the City of Columbus.<sup>51</sup> Fourth, Jack Reall claimed that he was working for OHTF1 on October 12, 2017 but instead was working as a private contractor in California and was paid \$3,200 while also being paid by the City of Columbus.<sup>52</sup> Fifth, on November 5, 2017, Jack Reall used 19 hours pretending to work for OHTF1 but was instead preparing for a class for which he was getting paid \$1,078.<sup>53 54</sup> Sixth, Jack Reall claimed that he was working for OHTF1 on November 14, 2017 but instead was working as a private contractor in Texas and was paid \$1,200 while also being paid by the City of Columbus.<sup>55</sup> Seventh, Jack Reall claimed that he was working for OHTF1 on December 11, 2017 but instead was working as a private contractor in Virginia and was paid \$1,430.00 while also being paid by the City of Columbus.<sup>56</sup> Thus, Jack Reall earned approximately \$19,335.45 while claiming he was working on behalf of the City of Columbus while being paid concurrently and redundantly by another employer. See the “Working for Another Employer” section below.

Jack Reall was asked if he would be willing to sign a release to get his pay records from FEMA in order to confirm that he was not being paid during these times. He indicated that he

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<sup>50</sup> See Texas A&M Engineering Extension Service (TEEX) below and TEEX3

<sup>51</sup> See Texas A&M Engineering Extension Service (TEEX) below and TEEX4

<sup>52</sup> See Texas A&M Engineering Extension Service (TEEX) below and TEEX8; This date was changed from CBV to vacation after Jack Reall was warned that others were watching his time.

<sup>53</sup> See 6920-7007 – 2/19/2019 Interview- Jack Reall

<sup>54</sup> At 514-527 – Interview-Schumann; SCH8.1- purchase order for training

<sup>55</sup> See Texas A&M Engineering Extension Service (TEEX) below and TEEX5

<sup>56</sup> See Texas A&M Engineering Extension Service (TEEX) below and TEEX2

would release the records.<sup>57</sup> On March 8, 2018, I received an email from Jack Reall's attorney indicating that he would not be executing any releases.<sup>58</sup>

Assistant Chief Cannell claims he was not aware that Jack Reall was getting paid by other employers while pretending to volunteer for OHTF1. Fire Chief O'Connor failed to heed warnings that there were problems with Assistant Chief Cannell and Deputy Chief Reall and failed to correct the deficiencies with the use of CBV in the organization.

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<sup>57</sup> See 1802-1821 – 2/25/2019 Interview- Jack Reall

<sup>58</sup> See FEMA 8.1



## COMPANY BUSINESS VACANCY (CBV)

### Assistant Chief James Cannell

In 2015, there was one (1), 40-hour Deputy Chief that was in charge of all special operations.<sup>59</sup> This position was changed so that the duties were distributed among all three of the platoon<sup>60</sup> Deputy Chiefs.<sup>61</sup> Since each platoon Deputy Chief gained additional responsibilities, Assistant Chief Cannell allowed platoon Deputy Chiefs time off, during their regular duty day, on Company Business Vacancy (CBV) in order to compensate them for any additional hours worked on their non-duty days.<sup>62</sup> Assistant Chief Cannell was asked if CBV has ever been used for compensatory time and he indicated that the Deputy Chiefs are overtime exempt (i.e., not entitled to overtime or comp time).<sup>63</sup> However, he was providing hour for hour compensation for any additional time worked.<sup>64</sup> Assistant Chief Cannell indicated that he was not concerned about the number of hours of CBV for the Deputy Chiefs because they have so much integrity.<sup>65</sup>

Assistant Chief Cannell was asked if he talked to the Deputy Chiefs about how CBV was to work and he indicated that he did but it was just a continuation of how it was done.<sup>66</sup> Assistant Chief Cannell provided an example where a Deputy Chief would work on their duty day and then work an additional three non-duty days of 8 hours of training (i.e., 24 additional hours.). The Deputy Chiefs could then take that “banked time” and take a 24 hour shift off within a month. (Assistant Chief Cannell claimed it was rare.)<sup>67</sup> Assistant Chief Cannell initially

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<sup>59</sup> Special operations are sections of the Division of Fire that perform special functions such as the bomb squad, tactical EMS, Rescue, HazMat, and others.

<sup>60</sup> A platoon employee is an employee that works 24 hours in a row and then takes the next two days off. Platoon employees work on 1 of 3 units.

<sup>61</sup> See Page 2 – 11/29/2018 Interview- James Cannell; See M2 -15-038 discussing the realignment.

<sup>62</sup> See Page 2 – 11/29/2018 Interview- James Cannell

<sup>63</sup> See Page 5 – 11/29/2018 Interview- James Cannell

<sup>64</sup> See page 6 - 11/29/2018 Interview- James Cannell

<sup>65</sup> See page 6 - 11/29/2018 Interview- James Cannell

<sup>66</sup> At 30-44; 111-119 – 4/29/2019 Interview- James Cannell

<sup>67</sup> See Page 2 – 11/29/2018 Interview- James Cannell

indicated that CBV could be used within a short amount of time but in a subsequent interview he indicated that it was permissible to use this time as long as the Deputy Chiefs kept track of it.<sup>68</sup> When Assistant Chief Cannell was asked how he kept track of this he indicated that the Deputy Chiefs are on the honor system but that Deputy Chief Reall could account for his time and that it has been checked at times.<sup>69</sup> Assistant Chief Cannell, in the second interview, clarified that he only asked if someone's time was covered but never checked.<sup>70</sup> Assistant Chief Cannell indicated that Jack Reall's time has been tracked and he has been assured (by Jack Reall) that it has been tracked and they have had constant conversations regarding his attendance.<sup>71</sup> It would appear that Assistant Chief Cannell's description of how CBV worked changed between his first and second interview. According to Assistant Chief James Cannell, Company Business Vacancy (CBV) is *now* a catch-all for an employee who is at work but not doing their typical duties for less than 24 hours.<sup>72</sup>

Assistant Chief Cannell was asked if he was aware on the OF237<sup>73</sup> that sometimes Deputy Chiefs put in for Office Time, sometimes they put in for CBV. He indicated he didn't know but assumed payroll would tell them if it was a problem.<sup>74</sup> Stephanie Bice, Payroll Clerk, for Unit 1 indicated that using CBV is not appropriate for vacation and refutes the claim that payroll is checking it since they have no way to verify why an employee under Assistant Chief Cannell's chain of command is off.<sup>75</sup> Stephanie Bice indicated that payroll checks that the hours indicated

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<sup>68</sup> At Page 2 – 11/29/2018 Interview- James Cannell; At 30-44 – 4/29/2019 Interview- James Cannell

<sup>69</sup> See Page 2 – 11/29/2018 Interview- James Cannell

<sup>70</sup> At 389-418 - 4/29/2019 Interview- James Cannell

<sup>71</sup> At 268-306 - 4/29/2019 Interview- James Cannell

<sup>72</sup> See Page 1 – 11/29/2018 Interview- James Cannell

<sup>73</sup> The OF237 is a document that is approved through the Deputy Chiefs to Assistant Chief Cannell's office that is then transmitted to payroll on how time on the Unit should be deducted for each day.

<sup>74</sup> At 136-162 – 4/29/2019 Interview- James Cannell

<sup>75</sup> At 827-852 – 5/13/2019 Interview Stephanie Bice

on the OF237 are correct. If there is an obvious discrepancy between Telestaff and the OF237, she calls and checks to see which is correct.<sup>76</sup>

Assistant Chief Cannell indicated that the OF237 is generated by a company officer, then goes to the Deputy Chief in charge of Emergency Services (2), then goes to him as the Assistant Chief in charge of Emergency Services (1), and finally gets checked by payroll.<sup>77</sup> There are no written descriptions of how CBV or any other staffing codes are to be used on Telestaff.<sup>78</sup> When CBV is used, it requires that a Deputy Chief is backfilled 97-98% of the time.<sup>79</sup> So, when a Deputy Chief is gone on CBV the vacancy needs to be filled: 1) by a Battalion Chief filling in for the Deputy Chief, 2) by a Captain filling in for the Battalion Chief, 3) by a Lieutenant filling in for a Captain; and 4) by a Firefighter filling in for the Lieutenant who may also be on overtime.<sup>80</sup> Thus, when Jack Reall was using CBV inappropriately the domino costs to the City of Columbus are significant. Even when OTHF1 compensates the City of Columbus for a deployment, they only pay for one position to be backfilled.<sup>81</sup> CBV is a code that is self-assigned on Telestaff by the Deputy Chief. Assistant Chief Cannell indicates that he should be aware of the usage.<sup>82</sup>

Assistant Chief Cannell was asked why sometimes Jack Reall is off in Telestaff on Ohio Task Force One, (OHTF1) and other times it is CBV or other codes. Assistant Chief Cannell indicated that he is confident that all of Jack Reall's time is tracked and that any time he is off deployed for

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<sup>76</sup> At 538-609 – 5/13/2019 Interview Stephanie Bice

<sup>77</sup> At 190-210 – 4/29/2019 Interview- James Cannell

<sup>78</sup> See Page 3 – 11/29/2018 Interview- James Cannell

<sup>79</sup> Generally, backfilling required the use of out of class where a lower classification does the job of the higher classification at the higher wage rate or overtime for someone in the classification. There are numerous rules regarding "backfilling" positions. ; See Page 3 – 11/29/2018 Interview- James Cannell; See 851-855 - 4/29/2019 Interview- James Cannell

<sup>80</sup> At 851-873 - 4/29/2019 Interview- James Cannell

<sup>81</sup> At 891-915 - 4/29/2019 Interview- James Cannell

<sup>82</sup> See Page 4 – 11/29/2018 Interview- James Cannell

OHTF1, he takes a loss and does not gain CBV hours for any deployment.<sup>83</sup> Assistant Chief Cannell indicated that Jack Reall told him that none of the time he used was from deployment for OHTF1 and he knows his time is legitimate because he takes Jack Reall's word for it.<sup>84</sup> Assistant Chief Cannell acted confused during the interview when he was asked if he was aware that Jack Reall gave himself 500 hours of CBV for volunteering to work for FEMA, or OHTF1, during his deployment for search and rescue after the hurricanes. Assistant Chief Cannell eventually indicated that he was not aware.<sup>85</sup>

The Division of Fire changed the use of CBV after September 26, 2018 (i.e., after "The Worm" was published) to require employees to be at work while on CBV and that it was not to be used as a leave code.<sup>86</sup> Assistant Chief Cannell was asked if it was a problem if a Deputy Chief was not tracking and deducting their time properly. He indicated "well, obviously it is now."<sup>87</sup> Thus, Assistant Chief Cannell did not believe it was a problem until someone got caught. Assistant Chief Cannell does not appear to be fazed by the usage of CBV and defiantly indicated "as far as I'm concerned we're getting a damn good deal."<sup>88</sup>

Apparently the arrangement made between Assistant Chief Cannell and Jack Reall wasn't a good enough deal as Jack Reall put in overtime slips for August 24, 2017 to October 5, 2017 (in addition to giving himself 500 hours of CBV) for Hurricanes Harvey, Irma, and Maria which Assistant Chief Cannell eventually denied.<sup>89</sup> He denied these slips because Jack Reall was overtime exempt.<sup>90</sup> In attempting to clarify if CBV was used for "comp time," Assistant Chief

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<sup>83</sup> See Page 4-5 – 11/29/2018 Interview- James Cannell; See 955-964 - 4/29/2019 Interview- James Cannell

<sup>84</sup> At 968-981; 1451-1461 -- 4/29/2019 Interview- James Cannell

<sup>85</sup> At 991-1035 - 4/29/2019 Interview- James Cannell

<sup>86</sup> See Page 5 – 11/29/2018 Interview- James Cannell; M19

<sup>87</sup> At 1437-1442 - 4/29/2019 Interview- James Cannell

<sup>88</sup> At 1525-1526 – 4/29/2019 Interview- James Cannell

<sup>89</sup> At 1536-1571 - 4/29/2019 Interview- James Cannell

<sup>90</sup> At 1548-1551 - 4/29/2019 Interview- James Cannell

Cannell indicated it was not because comp time is paid at time and one-half while the use of CBV was trying to equalize a 40 hour work week.<sup>91</sup> However, under Article 3 of the Collective Bargaining Contract between the City of Columbus and the International Association of Fire Fighters, compensatory time is defined as “time off with pay for authorized overtime worked, in lieu of salary and wages, calculated in accordance with Article 13 of this Contract.” Assistant Chief Cannell indicated that he didn’t know the definition but alleges again that he and Chief O’Connor didn’t see it as a problem because it had been going on for years.<sup>92</sup> Stephanie Bice, payroll, denies that it has always worked the way that Cannell described.<sup>93</sup>

Nevertheless, Assistant Chief Cannell clearly understood that the Deputy Chiefs were not overtime eligible. Section 13.1 of the Contract between International Association of Fire Fighters and the City of Columbus indicates that “employees whose classifications are assigned in Pay Ranges 1F, 2F, 3F, and 4F are eligible to receive compensatory time off or payment for overtime worked.” Section 12.7 of the Contract puts the Fire Deputy Chief classification in Range 5F. Section 13.2 (A) of the Contract also indicates “...employees whose class is assigned in pay range 5F (Deputy Chief) are ineligible to receive compensatory time off or payment for overtime worked, and shall not be subject to the position – for – position (rank – for – rank) call back provision of this paragraph.” Thus, even if Assistant Chief Cannell was providing compensatory time on an hour for hour basis, he was not permitted to do so.

Assistant Chief Cannell was also asked about professional time. Section 16.2 of the Contract indicates that “...professional time may be taken in increments of one (1) hour or more and must be approved by the Appointing Authority. Any unused professional time to an employee’s credit at the close of business on the last day of the first pay period that ends in the month of January

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<sup>91</sup> At 1583-1596 - 4/29/2019 Interview- James Cannell

<sup>92</sup> At 1605-1616 - 4/29/2019 Interview- James Cannell

<sup>93</sup> At 1500-1532 – 5/13/2019 Interview Stephanie Bice

shall be paid to the employee...” Thus if an employee wanted time off because they were working additional time, a provision has already been included in the contract to provide for that issue. It was conveyed that no one has used the time off and they have typically been paid for the time.<sup>94</sup> Employees have preferred to be paid for the time.<sup>95</sup> However, they have already been provided additional compensation in consideration of the extra time that a Deputy Chief may put into the job.

Assistant Chief Cannell was then asked about special duty and he indicated that special duty is usually a training or conference of one day or longer.<sup>96</sup> This is usually approved by the Fire Chief.<sup>97</sup> It is an excuse from work to participate in a committee, or something outside of the Division of Fire and is accompanied by paperwork and travel expenses.<sup>98</sup> Assistant Chief Cannell was asked why Jack Reall sometimes used CBV and sometimes used OHTF1 as codes on Telestaff when he was gone from work for Ohio Task Force 1. Assistant Chief Cannell indicated that OHTF1 is special duty and was unaware that Jack Reall was using several codes for OHTF1.<sup>99</sup> His assertion is incorrect, Assistant Chief James Cannell has approved special duty on multiple occasions for Jack Reall and his time was previously put in on Telestaff as special duty.<sup>100</sup> None of the work performed by Jack Reall for OHTF1 was put in as special duty requiring paperwork and associated approval for the use of time. Assistant Chief Cannell attempted to give the impression that he was unaware of how Jack Reall’s time was being recorded.<sup>101</sup> He also claims he was unaware that Jack Reall was going to stop working as a

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<sup>94</sup> See Page 1 - 11/29/2018 Interview- James Cannell

<sup>95</sup> At 1632-1636 - 4/29/2019 Interview- James Cannell

<sup>96</sup> See Page 1 - 11/29/2018 Interview- James Cannell

<sup>97</sup> At 420-436 - 4/29/2019 Interview- James Cannell

<sup>98</sup> At 529-587 - 4/29/2019 Interview- James Cannell

<sup>99</sup> At 622-725 - 4/29/2019 Interview- James Cannell

<sup>100</sup> See T1-T9- This is a listing of all travel approved for Special Duty for Jack Reall; See Telestaff for corresponding dates.

<sup>101</sup> At 622-725 - 4/29/2019 Interview- James Cannell

volunteer for OHTF1 (albeit still compensated by the City) and start working as a paid private contractor.<sup>102</sup>

Despite Assistant Chief Cannell's claimed lack of knowledge regarding how Jack Reall's time was being recorded, he was asked if Chief O'Connor was aware at the time he implemented the special operations assignment (and the use of CBV for the Deputy Chiefs) of how this was working. Assistant Chief Cannell initially indicated that he didn't know and then stated that Chief O'Connor understood how it worked.<sup>103</sup> Assistant Chief Cannell confirmed that Chief O'Connor understood that people could take time, bank time, and use it later.<sup>104</sup> Jack Reall also claimed that the Fire Chief approved Jack Reall to earn time off on his non-duty days.<sup>105</sup>

Assistant Chief Cannell was asked about the training, deployment, and demobilization records sent from OHTF1 and that one or more authorizations were missing. He was asked if he checks these records and he indicated that he did not but just looks on CNN and watches for a hurricane to come through and assumes Jack Reall is going.<sup>106</sup> There is disagreement regarding who actually gets the deployment order and who gets the demobilization orders.<sup>107</sup> Regardless, the deployment and demobilization orders are not being reviewed.

It is alleged by Jack Reall that Fire Chief O'Connor called him on November 17, 2017 and indicated that people were watching his time.<sup>108</sup> Thereafter, Jack Reall retroactively changed a number of his Telestaff entries.<sup>109</sup> He then alleged that Assistant Chief Cannell told him that he

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<sup>102</sup> At 748-752 - 4/29/2019 Interview- James Cannell

<sup>103</sup> See 789-849 - 4/29/2019 Interview- James Cannell

<sup>104</sup> See 789-849 - 4/29/2019 Interview- James Cannell

<sup>105</sup> At 4594-4601 - 2/19/2019 Interview- Jack Reall

<sup>106</sup> At 1107-1135 - 4/29/2019 Interview- James Cannell; See CA2 records 1-23, These are the records Assistant Chief Cannell provided as what he gets from OHTF1. They do not give clear direction regarding when members are deployed and demobilized.

<sup>107</sup> See 1151-1374 - 4/29/2019 Interview- James Cannell

<sup>108</sup> At 5876-5895 - 5/19/2019 Interview- Jack Reall

<sup>109</sup> At 5899 - 2/19/2019 Interview- Jack Reall

earned that time and to use it.<sup>110</sup> Assistant Chief Cannell denies this allegation.<sup>111</sup> Assistant Chief Cannell indicated that if he and Chief O'Connor disagreed as to how this was supposed to work he would have met with Chief O'Connor to get on the same page.<sup>112</sup>

Finally, Assistant Chief Cannell claims that he was not aware that Jack Reall was being paid by another employer while he was simultaneously being paid by the City of Columbus as shown by the designation of CBV or OHTF1 on Telestaff. He did clarify that he was aware that Jack Reall switched to a private contractor under OHTF1.<sup>113</sup> Assistant Chief Cannell claimed that he was trying eliminate the usage of company business vacancy as a leave code but the fix that they instituted only impacted employees at the Battalion Chief level and below.<sup>114</sup> It is ironic that "The Worm" indicates there is a problem with CBV with the Deputy Chiefs and the Assistant Chief fixes the problem at the level below the Deputy Chief.

### **Chief Kevin O'Connor**

Fire Chief Kevin O'Connor was interviewed on May 24, 2019. Chief O'Connor denies that he approved the use of CBV as a form of compensation that can be banked and used later in consideration for working on days off as claimed by Jack Reall and James Cannell.<sup>115</sup> Chief O'Connor indicated that professional time is in the Contract for working outside normal hours and if someone needs to be on 40 hours for a week they would just be temporarily moved to 40 hours.<sup>116</sup> Chief O'Connor indicated that he told Deputy Chief Reall when he left his position as Union President that he needed to account for every hour.<sup>117</sup> Chief O'Connor discussed his

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<sup>110</sup> At 5912-5914 - 2/19/2019 Interview- Jack Reall

<sup>111</sup> At 1687-1720 - 4/29/2019 Interview- James Cannell

<sup>112</sup> At 1709-1718 - 4/29/2019 Interview- James Cannell

<sup>113</sup> At 1752-1753 - 4/29/2019 Interview- James Cannell

<sup>114</sup> At 1831-1879; 1942-1979 - 4/29/2019 Interview- James Cannell

<sup>115</sup> See 103-156 - 5/24/2019 Interview- Kevin O'Connor

<sup>116</sup> See 123-134 and 639-654 - 5/24/2019 Interview- Kevin O'Connor

<sup>117</sup> See 160-172 - 5/24/19 Interview-Kevin O'Connor



expectations regarding the proper use of time on multiple occasions at his staff meetings and he provided notes from his staff meetings indicating his effort to clarify this grey area.<sup>118</sup> Fire Chief O'Connor clarified that the only flex time he would expect is an employee that alters their start time to a later time because of a City Council meeting or alterations that are made within a work week because someone is working on Saturday.<sup>119</sup> Chief O'Connor indicates that working the same hours for the City of Columbus and another employer is a violation of City Work Rules.<sup>120</sup>

When questioned regarding OHTF1 deployments Chief O'Connor indicated that he did not get the actual activation and demobilization orders but got some emails from Evan Shuman of OHTF1.<sup>121</sup> Evan Schumann from OHTF1 also provided documentation each year indicating when Jack Reall was in training. In reviewing the document sent from Evan Schumann to Chief O'Connor it is interesting to note that the Heavy Equipment and Rigging course (HERS) class in November of 2017 was listed but the document obscured the fact that OHTF1 also was paying him for conducting the class while the City of Columbus was paying him to be released to OHTF1 to attend the class.<sup>122</sup> There is also confusion within the Division and between the Division and OHTF1 as to what information is shared. Thus, there appears to be a lack of reliable information (or purposeful misinformation) from OHTF1 regarding what is being done for OHTF1 and what is being done by Jack Reall as an independent contractor. Chief O'Connor indicated that he never paid attention to the report sent by Evan Shuman.<sup>123</sup> However, Evan Schumann of OHTF1 indicated that Chief O'Connor requested to have the documents sent

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<sup>118</sup> See 980-1001 – 5/24/2019 Interview Kevin O'Connor; See M18

<sup>119</sup> See 755-819 – 5/24/2019 Interview Kevin O'Connor

<sup>120</sup> See 848-874 - 5/24/2019 Interview- Kevin O'Connor

<sup>121</sup> At 277-385 – 5/24/19 Interview- Kevin O'Connor

<sup>122</sup> At 222-370 – Interview- Evan Schumann; See SCH8; See M17 where OHTF1 makes it look like this class was being given as a part of his regular responsibilities for OHTF1 with no indication to Chief O'Connor that Jack Reall was also being paid \$1078 for this class by OHTF1.

<sup>123</sup> See 1183-1199 – 5/24/19 Interview- Kevin O'Connor

directly to him. Chief O'Connor claims that he wanted the documents because so many people were changing over and he wanted to make sure the Division of Fire was getting them.<sup>124</sup>

When discussing the appropriate use of time for OHTF1 training and deployments Chief O'Connor indicated when Jack Reall was training for OHTF1 he was on "special duty" but Chief O'Connor was not aware that special duty documentation was not being completed.<sup>125</sup> He indicated that it is the job of the bureau chief, Assistant Chief Cannell. Chief O'Connor was not aware that Assistant Chief Cannell was operating on the "honor system."<sup>126</sup> Chief O'Connor also denied that he approved Jack Reall to earn 500 hours of CBV while he was deployed by OHTF1 and FEMA.<sup>127</sup> Clearly, Chief O'Connor is not aware how the various forms and approvals for how OTHF1 deployment, demobilization, and training approvals work within the Division of Fire or even how standard leave processing is currently operating despite ultimately being in charge of the Division's payroll.<sup>128</sup> However, he indicated that if he was aware of the problems, he would have done something and if someone brought a problem to him he would absolutely go back and verify it.<sup>129</sup>

In September of 2018, Chief O'Connor sent out an email to everyone clarifying the use of Company Business Vacancy.<sup>130</sup> However, Assistant Chief Cannell indicated that nothing was changed for Deputy Chiefs which is where the problems were occurring.<sup>131</sup> Fire Chief O'Connor indicated that he was not aware that the procedure for Deputy Chiefs had not changed.<sup>132</sup>

Assistant Chief Cannell was asked by the Fire Chief to tighten up the use of CBV and Assistant

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<sup>124</sup> See 1284-1290 – 5/24/19 Interview- Kevin O'Connor

<sup>125</sup> See 387-444 – 5/24/19 Interview- Kevin O'Connor; See T1-T9 for what an approved special duty documents look like;

<sup>126</sup> See 439-474 – 5/24/19 Interview- Kevin O'Connor

<sup>127</sup> See 709-731 – 5/24/19 Interview- Kevin O'Connor

<sup>128</sup> At 1135-1138 – 5/24/19 Interview- Kevin O'Connor

<sup>129</sup> See 1135-1269; 1572- – 5/24/19 Interview- Kevin O'Connor

<sup>130</sup> See 1366-1466 – 5/24/19 Interview

<sup>131</sup> See 1831-1879; 1942-1979 - 4/29/2019 Interview- James Cannell

<sup>132</sup> At 1406-1466 – 5/24/2019 Interview Kevin O'Connor

Cannell sent out an email on September 28, 2018.<sup>133</sup> The Fire Chief's "Chief of Staff" (Sean Devlin) sent an email to Assistant Chief Cannell and stated "FC wants to make sure that the DCs know that their CBV must be approved by your level. FC was not sure if that went out in a separate email just to DCs."<sup>134</sup> Assistant Chief Cannell indicated in the same email chain "I will make that clear in a separate email to them" but Assistant Chief Cannell didn't send an email out and essentially nothing has changed.<sup>135</sup> Assistant Fire Chief James Davis, the Chief in charge of the Administrative bureau, sent a communication regarding correcting the use of CBV but again nothing was done.<sup>136</sup> It would appear that the amount of effort that was expended by Chief O'Connor was the three sentence email sent out by Assistant Chief Cannell.<sup>137</sup>

In reviewing the notes regarding the conversations Chief O'Connor had regarding office time/flex time, it would appear that his notes reflect conversations on the following dates and locations: 9/9/15, Executive Staff Meeting; 3/23/2016, Executive Staff Meeting; 2/8/2018, Labor Management Committee (LMC) meeting; 12/14/2018, Executive Staff Meeting; 8/1/2018, Executive Staff Meeting; and 1/9/2019, Executive Staff Meeting.<sup>138</sup> Chief O'Connor also recalls a LMC Management Meeting when he was told about an employee in the Department of Public Utilities was attempting to do something similar.<sup>139</sup> In reviewing the 2/27/18 notes from LMC, it states "Doug brought up 'certain D/C' list on T.S. company business but posting pics on F.B. CBV -F.C. to talk to D/C's."<sup>140</sup> Thus, it would appear that Chief O'Connor was given on February 8, 2018 the same information that came across in a September 28, 2018 letter from

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<sup>133</sup> See M19

<sup>134</sup> See M19

<sup>135</sup> See M18 Chief O'Connor's follow up on tightening up, M19 "tightening up" email from Devlin to Cannell, and M20 email from Cannell

<sup>136</sup> See M4

<sup>137</sup> M19

<sup>138</sup> See M18

<sup>139</sup> At 794-804 -5/24/19 Interview- Kevin O'Connor

<sup>140</sup> See M18; I recall passing along a rumor to Chief O'Connor that was relayed to me regarding this issue and discussed an issue that occurred at the Health Department.

“The Worm” but he failed to take sufficient action. This is after he ended the use of CBV/compensatory time in November of 2017. When Chief O’Connor ordered CBV to be tightened up again in September 2018, nothing appeared to change.

#### **Deputy Chiefs (Strahan/Koser/Ferguson)**

Interviewing other Deputy Chiefs about their understanding of CBV, Deputy Chief Strahan indicated that he does not recall a specific conversation about how CBV could be used but when described how Deputy Chief Reall and Assistant Chief Cannell were using it, he indicates that he would not have done it that way.<sup>141</sup> However, he later clarifies that Cannell indicated to keep track of your extra time and that Deputy Chief Strahan would have made notations on the OF237 that he was using office time.<sup>142</sup> He also indicates that this has been going on for a long time.<sup>143</sup>

Deputy Chief Shawn Koser indicated that the expectations regarding time worked on an off duty day changed over the years and there was flex time where you could take time later if you needed it.<sup>144</sup> According to Deputy Chief Koser, Chief O’Connor indicated that the Deputy Chiefs were well compensated and it was an expectation of the position to work on off duty days but that changed about a year and a half ago (around October of 2017).<sup>145</sup>

Deputy Chief Ferguson is the only Deputy Chief that did not directly report to Assistant Chief Cannell and is the only 40 hour Deputy Chief. Deputy Chief Ferguson indicated that he was recording the extra time he worked and saw other Deputy Chiefs using it and was planning on using it but never did.<sup>146</sup> Any time used by Chief Ferguson was adjusting his time within a

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<sup>141</sup> See 103-204 - 3/4/2019 Interview- Scott Strahan

<sup>142</sup> See 911-953 - 3/4/2019 Interview- Scott Strahan

<sup>143</sup> See 863-1024 - 3/4/2019 Interview- Scott Strahan

<sup>144</sup> See 186-286 - 3/5/2019 Interview- Shawn Koser

<sup>145</sup> See 122-155; 504-546 - 3/5/2019 Interview- Shawn Koser

<sup>146</sup> At 181-202 - 3/7/19 Interview Patrick Ferguson

week, such as leaving early on Friday, when he worked more hours on other days.<sup>147</sup> Deputy Chief Ferguson indicated that Chief O'Connor brought up at an Executive Staff meeting in 2017 that CBV as compensatory time is being used and people are aware of it but Chief O'Connor just acknowledged it was happening. When Deputy Chief Ferguson was temporarily assigned to work for Assistant Chief Cannell in July of 2018 he was told by Assistant Chief Cannell that people are watching it and don't use it...if you feel like you are owed your hours, send it down to ESI's office (Cannell's Office) and it can be entered in for you and it's not to be taken at night.<sup>148</sup> Thus, the practice was still going on in June/July of 2018 when he was working for Assistant Chief Cannell.<sup>149</sup> Thus, it is clear that around October/November of 2017 Chief O'Connor was warning individuals that "others" were aware but didn't take any action other than talking about it until 2018. Also, it is clear that the practice of Assistant Chief Cannell allowing CBV as compensatory time continued to be implemented in the same but less transparent way.

### **Deputy Chief Jack Reall**

On February 1, 2019, Deputy Chief Jack Reall was ordered to the Administrative Investigations Unit (AIU) of the Division of Fire.<sup>150</sup> Since Deputy Chief Reall was in the I.A.F.F Bargaining Unit, he had to be given all the regular procedures provided to other bargaining unit employees even though the investigation was being conducted by the Director's Office per Section 37.5 of the Contract. Deputy Chief Reall was also ordered to contact FEMA, OHTF1, and other sources in order to obtain any documentation needed to justify his time off.

On February 19, 2019, Deputy Chief Jack Reall was interviewed from 8:08 A.M. until 3:15 P.M painstakingly going over every instance of CBV, OHTF1, and any other time where he was

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<sup>147</sup> See 223-379 – 3/7/19 Interview Patrick Ferguson

<sup>148</sup> See 385-414 – 3/7/19 Interview Patrick Ferguson

<sup>149</sup> At 416-462;520-551; 576-631;1113-1195 – 3/7/19- Interview Patrick Ferguson

<sup>150</sup> See M14

away from the Division of Fire performing duties on behalf of the Division in order to document the appropriate use of time. He did not provide all of the justification for his time and was instructed to obtain the remainder of the documentation. He was interviewed again on February 25, 2019 from 8:14 A.M. until 11:07 A.M.<sup>151</sup> Below is the understanding of what occurred with Jack Reall's time from 2016 until 2018.

## 2016

### January 3, 2016

Jack Reall was in NFPA training from January 5-8, 2016. This training was confirmed in Doc 17. However, this Special Duty travel request was only approved by Director Speaks for 1/5/16 and 1/6/16. There was no approved request for 1/7/16 and 1/8/16 (Doc 17.)

### January 14, 2016

See section titled "Texas A&M Engineering Extension Service (TEEX) Training"

### March 23, 2016

**Note:** Chief O'Connor's notes from the Executive Staff meeting indicate "D/C expected to attend meeting/committees on off duty time. No compensation or office time. Only A/C can Flex time i.e.(Arnold Classic meetings)"

### April 26-28, 2016

Jack Reall brought in documentation to demonstrate that he was in OHTF1 business during these days.<sup>152</sup> This information is confirmed by OHTF1.<sup>153</sup>

### May 23- 26, 2016

Jack Reall was on Union Leave for 5/23/16 from 0800 to 5/24/16 until 0800 and 5/26/16 from 0800 to 5/26/16 until 2000.<sup>154</sup> At the conclusion of this report the I.A.F.F. has not responded to a request to confirm the time used. The OF237s reflect that he was at work and not on Union Leave.

### June 1, 2016

Jack Reall claims that this is one of the days that he used -9 hours of CBV as vacation.<sup>155</sup> It was labeled as incident 14 on his log. Payroll has no exemption for this date and it appeared that he was working.

### June 14-17, 2016

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<sup>151</sup> See M14.1; M15

<sup>152</sup> See Doc 6.2

<sup>153</sup> See OHTF1 Training Record

<sup>154</sup> See M21 and M22

<sup>155</sup> At 2858-2880 - 2/19/2019 Interview- Jack Reall

Jack Reall used -12 hours of CBV to take the night off from training on June 16, 2016. He was taking the L958 NIMS ICS training (see Doc 6.1) and credited himself 9 hours of CBV for each day on June 14, June 15, and June 17 for a total of 27 hours (see log at 16, 17, 18, and 19). Additionally, the certificate gives credit for 28 course hours for 4 days, which is 7 hours a day. Thus, it would seem that the class is 7 hours and he gave himself credit for 9 hours.<sup>156</sup> Thus he credited himself (over accounted) 6 hours of CBV that cannot be explained for June 14, 15, and 17, 2016. Also, if the class was 7 hours then he used 12 hours of CBV rather than 17 hours he (failed to deduct) 5 hours for June 6, 2016 in log entry 18. (a total credit of 5 hours of CBV that cannot be explained.) Thus, if he was legitimately tracking hours, it would appear that 11 hours are unexplained.

#### September 20, 23, and 26, 2016

Jack Reall indicated that he used -52.5 hours of CBV (office time) to attend the Alaska Fire Chiefs Association meeting.<sup>157</sup> The three previous duty days he was on vacation and used a Kelly day. When asked why he didn't request special duty for the event, he indicated that he assumed it wouldn't have been approved. In the next log entry (see log entry 31) he remembers to include 5 hours of CBV he claimed he worked on September 9, 2016 earlier and added it to the total. However, he failed to deduct -4.5 hours of CBV office time from the log when his plane arrived late on September 26, 2016 after returning back to Columbus from Alaska.<sup>158</sup> In the next log entry (see log entry 32) he gave himself +2 hours of CBV office time for a duty day and then claimed at the investigatory meeting that it should have been for September 30, 2016.<sup>159</sup>

#### October 6, 2016

Jack Reall in his log, entry 33, gave himself +4 hours of CBV going to the Division's awards dinner on October 6, 2016.

#### October 8- October 13, 2016

See section titled "Hurricanes"

#### October 14-26, 2016

See section titled "Working for another employer while simultaneously working for the City of Columbus."

#### November 1, 2016

On November 1, 2016, OHTF1 training document shows that Jack Reall was at an east coast TFR meeting from November 1, 2016 until November 3, 2016. Telestaff indicates he was at work. Jack Reall's records do not indicate that he was at the training.<sup>160</sup>

#### November 10, 2016

Jack Reall used -3.5 hours of CBV that he scheduled himself. He has no recollection of how he used this time. However, he scheduled it himself on Telestaff.

<sup>156</sup> See log at entries 16, 17, and 19

<sup>157</sup> See Telestaff entries

<sup>158</sup> At 3992-3994 - 2/19/2019 Interview- Jack Reall

<sup>159</sup> See 4046-4067 - 2/19/2019 Interview- Jack Reall

<sup>160</sup> At 4829-4853 - 2/19/2019 Interview- Jack Reall

November 28, 2016

Jack Reall used -5.0 hours of CBV with no explanation.<sup>161</sup>

December 7, 2016

Jack Reall used -3.0 hours of CBV with no explanation.<sup>162</sup>

December 16, 2016

Jack Reall used -2.4 hours of CBV with no explanation.<sup>163</sup>

December 29, 2016

Jack Reall gave himself +2.0 hours of CBV for a Deputy Chief's meeting.<sup>164</sup>

## 2017

January 12, 2017

Jack Reall used -3.0 hours of CBV with no explanation.<sup>165</sup>

January 18, 2017

Jack Reall used -4.0 hours of CBV with no explanation.<sup>166</sup>

January 26, 2017

Jack Reall gave himself +3.0 hours of CBV for attending an arbitration.

February 5, 2017

Jack Reall gave himself +2.0 hours of CBV for a meeting.<sup>167</sup>

February 12, 2017

Jack Reall gave himself +4.0 hours of CBV for attending graduation but doesn't remember if they had one or not.<sup>168</sup>

February 14, 2017

Jack Reall gave himself +2.0 hours of CBV for a meeting.<sup>169</sup>

February 20- February 23, 2017

Jack Reall claimed he was at IST training in Boston, February 21-22, 2017 which was approved by OHTF1 but no other documentation was provided.<sup>170</sup> He did not deduct any time from his

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<sup>161</sup> At 4863 - 2/19/2019 Interview- Jack Reall

<sup>162</sup> At 4891 - 2/19/2019 Interview- Jack Reall

<sup>163</sup> At 4897 - 2/19/2019 Interview- Jack Reall

<sup>164</sup> At 4971 - 2/19/2019 Interview- Jack Reall

<sup>165</sup> At 4930 - 2/19/2019 Interview- Jack Reall

<sup>166</sup> At 4934 - 2/19/2019 Interview- Jack Reall

<sup>167</sup> At 5005 - 2/19/2019 Interview- Jack Reall

<sup>168</sup> At 5040 - 2/19/2019 Interview- Jack Reall

<sup>169</sup> At 5009 - 2/19/2019 Interview- Jack Reall

<sup>170</sup> See 400-402 - 2/25/2019 Interview- Jack Reall



CBV log during this time. Thus, he used 48 hours of CBV on February 20, 2017 and February 23, 2017 traveling to the event. Evan Schumann from OHTF1 confirmed the he was at the event on February 21 and 22, 2017 and that Jack Reall traveled on February 20 and 23, 2017 and that OHTF1 would have paid his travel.<sup>171</sup> Thus, if Jack Reall needed to travel to Boston for a conference on the 21<sup>st</sup> and 22<sup>nd</sup> he took 48 hours off work on the February 20<sup>th</sup> and 23<sup>rd</sup> to get to and from the meeting. Jack Reall certainly gave himself a generous amount of time to go to this conference. There is no justification for not flying home the evening of February 22, 2017. Thus, he used at least -24 hours of CBV for his own purposes on February 23, 2017.

February 26-March 10, 2017

See section titled "Texas A&M Engineering Extension Service (TEEX)."

March 15, 2017

Jack Reall gave himself +8.0 hours of CBV.<sup>172</sup>

March 22 and 28, 2017

See section titled "Changing Entries."

March 29, 2017

Jack Reall gave himself +1.0 hour of CBV for attending an IAP conference call.

April 2 –April 7, 2017

Jack Reall gave himself +36 hours in his log on entry 52 for his time at the National Fire Academy (NFA) (See Doc 2).<sup>173</sup> This training was a "train the trainer" type training where he was learning how to train others in Leadership and Supervision. Jack Reall indicates that he was approved to go by the Fire Chief and that there was a "stipend" from NFA for the program. When asked how he gave himself 36 hours of CBV in his log, he indicated that he was being trained on March 2, March 4, March 5, and March 7 for 9 hours each. It is interesting to note that the City of Columbus gave him 48 hours off where he could participate in training. Of the 48 hours where the City allowed him to train, only 18 hours were in training. This training was requested by him and not mandatory training.

Nevertheless, since being trained, he has never delivered this training to the City of Columbus. Jack Reall blames retired Battalion Chief Whetzel for not permitting him to train this program. I find this explanation curious since Fire Chief O'Connor sent him to this training.<sup>174</sup> However Jack Reall did provide this training as a subcontractor for NFA in Alaska on November 17-18, 2018 (an off duty day and a Kelly day) and received \$2,400 for providing the training for FEMA.<sup>175</sup> Thus, the City of Columbus gave Jack Reall time off to receive training, Jack Reall gave himself additional CBV hours in his log, Jack Reall used this training to work as a private contractor for FEMA/NFA for compensation, and this course was never taught in the Division of Fire.

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<sup>171</sup> At 754-761 – Interview Evan Schumann

<sup>172</sup> At log entry 50

<sup>173</sup> See Doc 2

<sup>174</sup> See Doc 4

<sup>175</sup> See FEMA 8

#### April 12-13, 2017

Jack Reall claims he was at CSC on the 13<sup>th</sup> and 14<sup>th</sup> of April. Liz Reed confirmed that he was in a meeting with the Civil Service Commission<sup>176</sup>

#### April 18, 2017

Jack Reall used -14 hours of CBV on April 18, 2017.<sup>177</sup> He claims he was traveling on this day because he was taking a water rescue class. Jack Reall was asked why he would deduct 14 hours of CBV to go to a job related training. He indicated that he doesn't know.<sup>178</sup> He didn't remember where the training was given. In his log, entry 54, he deducted 14 hours of CBV for April 18, 2018 and then gave himself +20 hours of CBV on the same day (4/18/2017) but was unable to describe why he did so but it was unrelated to the water rescue class.<sup>179</sup> Travel documents were requested from the Division of Fire but nothing accounted for this date.<sup>180</sup>

#### April 27, 2017

On April 26, 2017, Jack Reall attended citywide training for "One Note" and since it was not his duty day he gave himself +7 hours of CBV.<sup>181</sup>

#### May 1-4, 2017

May 1-4, 2017, Jack Reall attended the Rescue Challenge in Virginia sponsored by OHTF1. He took 24 hours of CBV on May 3, 2018 for this training. Jack Reall gave himself +24 hours CBV for the training in his log entry 57.<sup>182</sup> OHTF1 only gave credit for 10 hours of training. Thus, he (over accounted) for 4 hours.

#### May 31, 2017

Jack Reall gave himself +6 hours of CBV. He has no idea why he gave himself that time.<sup>183</sup>

#### June 1, 2017

On June 1, 2017, there were 3 hours of OHTF1 training. After including travel the training lasted 6 hours. Jack Reall's log entry for that day reflected that he gave himself 8 hours of CBV for training on his non-duty day.<sup>184</sup> Thus, he over accounted the time he gave himself by 2 hours.

#### June 6 -9, 2017

Jack Reall was in training for OHTF1 on June 5-12, 2017.

#### June 19-23, 2017

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<sup>176</sup> See M8; See CSC 1-6 Covering various days of CBV

<sup>177</sup> See Log entry 54

<sup>178</sup> At 5503 - 2/19/2019 Interview- Jack Reall

<sup>179</sup> At 5569-5585 - 2/19/2019 Interview- Jack Reall

<sup>180</sup> See T1-T9

<sup>181</sup> See log entry 56;

<sup>182</sup> At 5683-5716 - 2/19/2019 Interview- Jack Reall

<sup>183</sup> At 5718-5729 - 2/19/2019 Interview- Jack Reall; See log entry 59

<sup>184</sup> See log entry 60

Jack Reall provided a certificate for this training that was issued on June 23, 2017 for L950 incident command training for 40 hours.<sup>185</sup> Jack Reall gave himself +24 hours of CBV for attending training on his non-duty day.<sup>186</sup>

June 26-30, 2017

See section titled "Changing Entries."

July 14, 2017

See section titled "Changing Entries."

August 4, 2017

See section titled "Changing Entries."

August 15, 2017

Jack Reall gave himself +4 hours of CBV. He was unaware what the meeting was about.<sup>187</sup>

August 24, 2017 - October 6, 2017

Jack Reall gave himself +500 hours of CBV. See the "Hurricanes" section.

November, 2017

**Note:** According to Deputy Chief Koser, Chief O'Connor indicated that the Deputy Chiefs were well compensated and it was an expectation of the position to work on off duty days (around October of 2017.)<sup>188</sup>

November 5, 2017- November 11, 2017

See section titled "Working for Another Employer while Simultaneously Working for the City of Columbus."

November 14, 2017

See section titled "Texas A&M Engineering Extension Service (TEEX)."

December 4-11, 2017

Jack Reall claims that on December 4, 2017 he was on Special Duty. Division of Fire records and a document provided by Jack Reall indicated that he was at the National Fire Protection Association (NFPA) conference from December 4-8, 2017.<sup>189</sup> On December 7, 2017 he took off -4 hours in the afternoon on CBV without a deduction in his log.

## 2018

Between December 8, 2017-January 25, 2018

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<sup>185</sup> See Doc 5.2

<sup>186</sup> See entry 61 in his log

<sup>187</sup> At 6683-6685 - 2/19/2019 Interview- Jack Reall

<sup>188</sup> See 122-155; 504-546 - 3/5/2019 Interview- Shawn Koser

<sup>189</sup> See T7; See Doc1

In Jack Reall's log in entry 72 he gave himself +4 hours for attending a "BC" Battalion Chief meeting. He does not know what day it occurred.<sup>190</sup>

January 23, 2018

Jack Reall gave himself +8 hours for attending G191 training on his off duty day on entry 73 of his log. He provided Doc 13.1 as proof of his training.

January 25, 2018

**Note:** Final Log Entry- Jack Reall's final entry 1/25/2018 on his log shows 610 hours.<sup>191</sup>

February 8, 2018

**Note:** According to Chief O'Connor's notes: " 'certain D/C' listed on T.S. company business but posting pic on F.B. CBV- F.C. to talk to D/Cs"

February 14, 2018

**Note:** According to Chief O'Connor's notes for his Executive Staff Meeting: "CBV time/no office time A/C can flex time not DCs."

March 2, 2018

Jack Reall was scheduled for Training by OHTF1 on March 2, for 6 hours of training. He put in for 12 hours of CBV.<sup>192</sup> After considering driving time, he had 3 hours of CBV but failed to deduct it from his log. When asked for an explanation, he indicated that he just went home.<sup>193</sup> Thus, he used three hours as vacation.

April 16-19, 2018

Jack Reall takes -12 hours of CBV in Telestaff traveling to Boston for an Incident Support Team meeting on April 16, 2018. He enters on Telestaff 24 hours of OHTF1 time on April 19, 2018. He indicated that there are two or three days of training and he drove to the meeting.<sup>194</sup> OHTF1 only indicated that the meeting occurred on April 19, 2018 for 8 hours.<sup>195</sup> Jack Reall had no documentation for the event.<sup>196</sup> OHTF1 would have covered the cost of the flight and hotel but he just wanted to drive to Boston and take his camper on vacation.<sup>197</sup> Thus, the 12 hours on CBV on April 16, 2018 is not relevant to the training on April 19, 2018. Jack Reall did not deduct any time from his log as he discontinued it at this time.

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<sup>190</sup> At 818-828 – 2/25/2019 Interview- Jack Reall

<sup>191</sup> See Log at 73

<sup>192</sup> M9 indicates it takes about 1 hour and 30 minutes from his house to Sinclair Community College. Although he didn't specifically indicate where the training was located, he had mentioned Kettering, Wright Patterson AFB, and Sinclair Community College as typical locations when he goes to when in Dayton. All three have similar drive times. Thus, the drive time to "Dayton" and back is approximately 3 hours. Here, training was 6 hours and travel was 3 hours for a total of 9 hours. He utilized 12 hours of CBV. He admitted to going home. Thus, 3 hours are unaccounted for and he failed to account for this time. Jack Reall claimed 4 hours for drive time. Thus, if one believes him he still cannot account for 2 hours.

<sup>193</sup> At 661-707 – 2/25/2019 Interview- Jack Reall

<sup>194</sup> At 920-960 – 2/25/2019 Interview- Jack Reall

<sup>195</sup> See OHTF1 Training Record

<sup>196</sup> At 931-935 – 2/25/2019 Interview- Jack Reall

<sup>197</sup> At 1072-1095 – 2/25/2019 Interview- Jack Reall

#### July, 2018

**Note:** According to Deputy Chief Ferguson the practice of using CBV as compensatory time was still going on in June/July of 2018 when he was working for Assistant Chief Cannell.<sup>198</sup>

#### August 1, 2018

**Note:** According to Chief O'Connor's notes for his Executive Staff Meeting: "Policy of FC Office no office time but can flex time."

#### August 23, 2018

Jack Reall indicated that he was at a heat stress study workshop for NC State.<sup>199</sup> He claims he was working with Marni Schmidt who has a contractor relationship with Fire Industry Education Resource Organization (F.I.E.R.O.).<sup>200</sup> Reviewing Doc 15 would indicate that he was working with a consultant. Assistant Chief James Cannell believed that Jack Reall was on a special duty assignment but no documentation was provided.<sup>201</sup> Assistant Chief James Cannell has approved special duty on multiple occasions for Jack Reall and his time was previously put in on Telestaff as special duty.<sup>202</sup> Jack Reall actually used CBV on this date.<sup>203</sup> Assistant Chief Cannell did not know if Jack Reall was paid for this time.<sup>204</sup> The OF237 for this day indicates he was on CBV for "training in North Carolina."<sup>205</sup> Jack Reall used -24 hours CBV without any documentation provided to the Division at the time. No deduction was made from his log.<sup>206</sup> I have contacted F.I.E.R.O regarding his attendance and whether he was paid for his attendance and have not received any response from that private sector organization.<sup>207</sup>

#### September, 13-25, 2018

See section titled "Hurricanes"

#### September 28, 2018

Email from Assistant Chief Cannell tightening up CBV.

#### December 8, 2018

Jack Reall uses -4 hours of CBV in entry 71 of his log. He indicates he used this for his own personal purposes as a wrestling coach.<sup>208</sup>

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<sup>198</sup> At 416-462;520-551; 576-631;1113-1195 – 3/7/19- Interview Patrick Ferguson

<sup>199</sup> At 1159-1180 – 2/25/2019 Interview- Jack Reall

<sup>200</sup> See Doc 15

<sup>201</sup> See 550-616 – 4/29/2019 Interview- James Cannell

<sup>202</sup> See T1-T9 This is a listing of all travel approved for Special Duty for Jack Reall; See Telestaff for corresponding dates.

<sup>203</sup> See 550-616 – 4/29/2019 Interview- James Cannell

<sup>204</sup> See 610-616 - 4/29/2019 Interview- James Cannell

<sup>205</sup> See OF237 for 8/23/2018

<sup>206</sup> See log entries 65-73

<sup>207</sup> See M1

<sup>208</sup> At 793-808 – 2/25/2019 Interview- Jack Reall

### CHANGING ENTRIES

Several dates on Telestaff were changed after the fact. Specifically the following dates were changed on November 17, 2017 to another code: 3/10/2017; 3/22/2017; 3/28/2017; 6/2/2017; 6/26/2017; 7/14/2017; 8/4/2017; 9/15/2017 and 10/27/2019.<sup>209</sup>

Around November, 17, 2017, Jack Reall indicated that he was contacted by Fire Chief O'Connor regarding his flex time/earned time prior to changing his entries. Chief O'Connor warned him that "others" were watching him.<sup>210</sup> Jack Reall believed that Chief O'Connor was talking about Assistant Chief Davis and Assistant Chief Whiting.<sup>211</sup> So Jack Reall changed several of his Telestaff entries to vacation instead of CBV.<sup>212</sup> Jack Reall then had a conversation with Assistant Chief Cannell and he told him that he earned that time and to use it.<sup>213</sup> Both Assistant Chief Cannell and Chief O'Connor denied Jack Reall's assertion. Jack Reall then changed many of the entries back to CBV. Jack Reall further indicated that he believed the warning from Chief O'Connor was a general warning.<sup>214</sup> Jack Reall was asked why he believed the concern was around CBV if the warning was a "general warning." He indicated that it was a "spur of the moment decision" and that he would "just change everything to vacation and not worry about it anymore."<sup>215</sup> At the end of pay period 23 for 2017 (11/5/2017 – 11/18/17) he had 326.2 hours of vacation and comp time he could have utilized for all the CBV time he used.<sup>216</sup> He only changed specific dates and did not change all instances.

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<sup>209</sup> See Telestaff

<sup>210</sup> At 5876-5895 – 5/19/2019 Interview- Jack Reall

<sup>211</sup> At 5895 – 2/19/2019 Interview- Jack Reall

<sup>212</sup> At 5899 - 2/19/2019 Interview- Jack Reall

<sup>213</sup> At 5912-5914 - 2/19/2019 Interview- Jack Reall

<sup>214</sup> At 5929 – 2/19/2019 Interview- Jack Reall

<sup>215</sup> At 5959-5961 - 2/19/2019 Interview- Jack Reall

<sup>216</sup> See TC9

Jack Reall later stated that he changed the days where he took twenty-four hours off.<sup>217</sup> However, that explanation was not correct since there were many days that he took twenty-four hours off that were not switched to vacation.<sup>218</sup> Finally, he indicated that he picked days where he had used CBV as “flex time”.<sup>219</sup> This explanation is also not correct since only four days (3/22/17, 3/28/17, 7/14/17 and 8/4/17) out of nine days were recorded in his log as “flex time.”<sup>220</sup>

This fact that he selected only certain days to change because “others” were watching his time would seem to indicate that these particular changes were not random but intentional. Jack Reall indicated that he was aware that he had to use vacation when he was working for another employer.<sup>221</sup> This discrepancy would seem to indicate that he was working as an independent contractor during the dates he switched. Jack Reall denied that he was working as a contractor and for the City of Columbus.<sup>222 223 224 225 226</sup> As stated earlier, FEMA refused to provide a full accounting of his personnel records to the City of Columbus after this was requested under the Freedom of Information Act (FOIA).<sup>227</sup> Jack Reall was asked to sign a release to get his pay records from FEMA to see if he was paid during these times and he indicated that he would release the records.<sup>228</sup> On March 8, 2018, I received an email from Jack Reall’s attorney indicating that he would not be executing any releases.<sup>229</sup> Thus, Jack Reall agreed to provide the

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<sup>217</sup> At 1716-1717 – 2/19/2019 Interview- Jack Reall

<sup>218</sup> At 1744-1748 – 2/25/2019 Interview- Jack Reall

<sup>219</sup> At 1752 – 2/25/2019 Interview- Jack Reall

<sup>220</sup> See log entries 47-66

<sup>221</sup> See 6464-6493 - 2/19/2019 Interview- Jack Reall

<sup>222</sup> At 1763-1802 – 2/25/2019 Interview- Jack Reall

<sup>223</sup> At 4753-4765 – 2/19/2019 Interview- Jack Reall

<sup>224</sup> At 2317-2323 - 2/19/2019 Interview- Jack Reall

<sup>225</sup> At 7004-7054 - 2/19/2019 Interview- Jack Reall; 7102-7121 - 2/19/2019 Interview- Jack Reall;

<sup>226</sup> See 7102-7121 – 2/19/2019 Interview Jack Reall

<sup>227</sup> See FEMA

<sup>228</sup> See 1802-1821 – 2/25/2019 Interview- Jack Reall

<sup>229</sup> See FEMA 8

records and then immediately hired a criminal defense attorney and then refused to provide the records.

Jack Reall was asked if he was accounting for time consistently with how other Deputy Chiefs were using CBV. He indicated that he never had any discussions with the other Deputy Chiefs about the issue.<sup>230</sup> However, despite this lack of communication, Jack Reall claimed the Assistant Chiefs are doing the same thing as him.<sup>231</sup> The changed entry dates will now be examined.

#### March 10, 2017

See section titled "Working for Another Employer while Simultaneously Working for the City of Columbus."

#### March 22 and 28, 2017

Jack Reall initially put in for 48 hours of CBV on March 22 and 28, 2017 and then he changed both entries on Telestaff to vacation and then changed it back to CBV.<sup>232</sup> He deducted 48 hours from his log on entries 48 and 49. He used -48 hours of CBV for vacation. No vacation was deducted from payroll.<sup>233</sup> Jack Reall claims his vacation was off and he had less than he thought and switched it to make it match.<sup>234</sup>

During the time that this entry was switched on 11/17/2017 at the end of pay period 23 for 2017 Jack Reall had 326.2 hours of vacation and comp time he could have utilized instead of

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<sup>230</sup> At 5971 - 2/19/2019 Interview- Jack Reall

<sup>231</sup> At 6038 - 2/19/2019 Interview- Jack Reall

<sup>232</sup> At Telestaff 2, Page 3

<sup>233</sup> Firepoint timecard for 2017

<sup>234</sup> At 5203-5255 - 2/19/2019 Interview- Jack Reall



CBV.<sup>235</sup> Jack Reall made the changes on Telestaff because he claims he was warned by Chief O'Connor and not in an effort to switch the hours to make it "match" as he alleges earlier.<sup>236</sup>

#### June 2, 2017

Jack Reall indicated he used -24 hours CBV and did not take a deduction in his log.<sup>237</sup> Jack Reall changed this entry on Telestaff to vacation and back to CBV after he claims he was warned by Chief O'Connor and then was allegedly given permission to use CBV by Assistant Chief Cannell.<sup>238</sup> Assistant Chief Cannell denies Jack Reall's allegation. Jack Reall doesn't have any recollection of why the time was taken on June 2, 2017.<sup>239</sup>

#### June 26-30, 2017

On June 26-30, 2017, Jack Reall claims that he was taking the NFA NIMS OSC course. He gave himself +24 hours of CBV.<sup>240</sup> Jack Reall provided several documents but none covered the time in question. Jack Reall claims that the training from the 26<sup>th</sup> - 30<sup>th</sup> is the Ops Section Chief Train the Trainer.<sup>241</sup> However, the documents he provides do not confirm that he was scheduled or attended training during this time.<sup>242</sup> He also used -48 hours of CBV on June 26, 2017 and June 29, 2017 without deducting it from his log and without verification that he attended training. Jack Reall made changes on this date in Telestaff from CBV back to CBV after he

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<sup>235</sup> See TC9

<sup>236</sup> See Telestaff 1; At 5876-6170 – 2/19/2019 Interview- Jack Reall

<sup>237</sup> At 5747-5754 – 2/19/2019 Interview- Jack Reall; See log entries 59-61

<sup>238</sup> See Telestaff 1; See Telestaff 2, page 5; At 5876-6170 – 2/19/2019 Interview- Jack Reall

<sup>239</sup> See 5821-5832- 2/19/2019 Interview- Jack Reall

<sup>240</sup> See entry 62 in his log

<sup>241</sup> At 6210 - 2/19/2019 Interview- Jack Reall

<sup>242</sup> Document 5 is the "Ops Section Chief T-t-T" class but it covers June 19-23, 2017. Document 5.2 covers the Incident Commander Training awarded on June 23, 2017. Document 6 covers All-Hazards Operations Section Chief class completed on June 17, 2017. None of these documents covers June 26-30, 2017. All of the training entries on Telestaff are entered by Jack Reall from June 19-30, 2017.

claims he was warned by Chief O'Connor and allegedly was given permission to use CBV by Assistant Chief Cannell.<sup>243</sup>

July 14, 2017

Jack Reall used -24 hours of CBV as vacation racing go-carts and deducted the time from his log.<sup>244</sup> Jack Reall made changes from CBV to vacation and back to CBV on this date in Telestaff after he claims he was warned by Chief O'Connor and then allegedly given permission to use CBV by Assistant Chief Cannell.<sup>245</sup>

August 4, 2017

Telestaff reflects that Jack Reall is on vacation. Jack Reall made a change to that entry on November 17, 2017 from vacation to CBV and back to vacation after he was "warned" by Chief O'Connor.<sup>246</sup> Jack Reall's log indicates on entry 64 that he was on "CBV Vacation."<sup>247</sup> The OF237 payroll document reflects that he was paid as straight time on "CBV", not on vacation, and no vacation accrual was deducted.<sup>248</sup> Thus, it would appear to anyone looking at Telestaff that he was appropriately on vacation but he was not using any vacation time in the payroll system. The OF237 shows that he was on CBV or paid straight time.<sup>249</sup> He indicated that he had to use vacation because he was working for another employer.<sup>250</sup> He claimed that he put it in for vacation and it was approved.<sup>251</sup> Jack Reall was aware that if he was using CBV it would look like he is getting paid by the City of Columbus and another contractor at the same time.<sup>252</sup> However he did not put this time in as vacation and it was not approved as vacation. Thus, it

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<sup>243</sup> See Telestaff 1; See Telestaff 2, page 5; At 5876-6170 – 2/19/2019 Interview- Jack Reall

<sup>244</sup> See 6346 - 2/19/2019 Interview- Jack Reall and entry 63 in his log

<sup>245</sup> See Telestaff 1; See Telestaff 2, page 5; At 5876-6170 – 2/19/2019 Interview- Jack Reall

<sup>246</sup> See Telestaff; at 5876-6170 – 2/19/2019 Interview- Jack Reall; OF237

<sup>247</sup> See log at 64

<sup>248</sup> See TC2

<sup>249</sup> See TC5

<sup>250</sup> See 6464-6493 - 2/19/2019 Interview- Jack Reall

<sup>251</sup> At 6535-6537 - 2/19/2019 Interview- Jack Reall and 6667-6677 - 2/19/2019 Interview- Jack Reall

<sup>252</sup> See 6539-6543 - 2/19/2019 Interview- Jack Reall

would appear that Jack Reall purposefully failed to deduct 24 hours of vacation and was working for another employer on CBV.

September 15, 2017

See section titled "Hurricanes."

October 27, 2017

Telestaff reflects that Jack Reall is on vacation.<sup>253</sup> Jack Reall made a change to that entry on November 17, 2017 after he was "warned" by Chief O'Connor.<sup>254</sup> It was changed from CBV to vacation.<sup>255</sup> Jack Reall's log, unlike the August 4 entry, does not indicate any CBV deduction for a "vacation."<sup>256</sup> Firepoint reflects that he was paid as straight time, not on vacation, and no vacation accrual was deducted.<sup>257</sup> Thus, it would appear to anyone looking at Telestaff that he was appropriately on vacation but he was not using any vacation time in the payroll system. The OF237 shows that he was CBV for 24 hours.<sup>258</sup> Thus, Jack Reall purposefully failed to deduct 24 hours of vacation.

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<sup>253</sup> See Telestaff 1

<sup>254</sup> See Telestaff 1; At 5876-6170 – 2/19/2019 Interview- Jack Reall

<sup>255</sup> At Telestaff 2, page 12

<sup>256</sup> See Log

<sup>257</sup> See TC2

<sup>258</sup> See TC6

## HURRICANES

From August 24, 2017 until October 6, 2017 Jack Reall volunteered to work with OHTF1 with hurricanes Harvey, Irma, and Maria. In entry 66 of his log he gave himself +500 hours of CBV. He indicated that he just tried to figure out all the days and added them up and that it was just an educated guess.<sup>259</sup> At this point Jack Reall indicates that he is losing interest in keeping his log because people are watching what he is doing and he is trying to keep “everything cool.”<sup>260</sup> Jack Reall indicates at the end of 2017 and 2018 he was recording his time less and less. Assistant Fire Chief James Cannell indicated that when Deputy Chief Jack Reall was being voluntarily deployed for Ohio Task Force One, he did not get to count that time as CBV and Jack Reall assured him that none of his time from deployment was being used.<sup>261</sup>

Nevertheless, around November 3, 2017, Jack Reall put in overtime slips asking for 656.5 hours of overtime.<sup>262</sup> Jack Reall also requested overtime on September 13, 2017, September 21, 2017, September 24, 2017 which happens to be his regular duty days. He indicated that submitting these slips were probably an error.<sup>263</sup> Jack Reall claims that he was advised by the International Associations of Fire Fighters (I.A.F.F.) to request this overtime.<sup>264</sup> Jack Reall was asked if he was aware that he was not overtime eligible. He indicated that he was aware.<sup>265</sup>

The orders for deployment and demobilization within the Division have been unclear. Neither Vickie Loser, Human Resources Manager; Assistant Chief Cannell, nor Fire Chief O'Connor have records clearly identifying when a member of the Division of Fire is deployed or demobilized.

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<sup>259</sup> See 6699-6711 - 2/19/2019 Interview- Jack Reall; 6745- 2/19/2019 Interview- Jack Reall

<sup>260</sup> See 6716-6731 - 2/19/2019 Interview- Jack Reall

<sup>261</sup> See page 4 – 11/29/18 Interview- James Cannell; See 955-981 – 4/29/2019 Interview James Cannell

<sup>262</sup> See PT1; At 1414-1416 – 2/25/2019 Interview- Jack Reall; See PT1

<sup>263</sup> At 1538-1544 – 2/25/2019 Interview- Jack Reall; At 1549 – 2/25/2019 Interview- Jack Reall

<sup>264</sup> At 1600-1601 – 2/25/2019 Interview- Jack Reall

<sup>265</sup> At 1603-1606 – 2/25/2019 Interview- Jack Reall

### Hurricane Matthew

Ohio Task Force 1 indicates Jack Reall was deployed at Hurricane Matthew from October 6, 2016 at 5:00 P.M. until October-12, 2016 at 12:00 P.M.<sup>266</sup> He credited himself the following hours in his log: 1) entry 34, on October 6, 2016 he gave himself +10 hours CBV for travel; 2) entry 35, on October 7, 2016, he gave himself +24 hours of CBV; 3) entry 36, on October 8, 2016, he gave himself +24 hours of CBV; 4) entry 37, on October 9, 2016, he gave himself +24 hours of CBV; 5) entry 38, on October 10, 2016, he gave himself +24 hours of CBV; 6) entry 39, on October 12, 2016, he gave himself +24 hours of CBV for a day; 7) entry 40, on October 13, 2016, he gave himself +11 hours of CBV however the documentation provided by OHTF1 indicates that his rehab time (i.e., rehab time is a period of rest granted by OHTF1/FEMA before the employee is expected to be back to work) ended on October 12, 2016 at 12:00 P.M.<sup>267</sup> Thus, on October 12-13, 2016 he gave himself 30 hours of rehab time he was not entitled to instead of 5 hours. In his log on entry 40 on October 13, 2016 he has 192 hours and on entry 41 on December 13, 2016 he has 87 hours but he can't account for any time, does not have any documentation, and does not know why.<sup>268</sup>

### Hurricane Harvey

Jack Reall provided Doc 10 for Hurricane Harvey which occurred from August 24, 2017 at 8:30 P.M. until September 6, 2017 at 11:15 A.M. Jack Reall used -19 hours and 45 minutes of OHTF1 until September 6, 2017 without any deductions from his log and not authorized under the demobilization order in Doc 10.<sup>269</sup>

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<sup>266</sup> See OHTF1 Training Record; Doc 8; Sch5

<sup>267</sup> See Sch 5

<sup>268</sup> At 4883-4930 – 2/19/2019 Interview- Jack Reall

<sup>269</sup> See log entries 65-66; See Doc 10

### **Hurricane Irma**

Jack Reall provided Doc 11 that indicates he was deployed on September 7, 2017 at 2:00 P.M. until September 15, 2017 at 12 P.M. Jack Reall used -24 hours of CBV on the September 15, 2017 without deducting it from his log.<sup>270</sup> He was only allowed rehab until 12 P.M. from OHTF1 and FEMA. Thus, he used 19 hours more rehabilitation time than was allowed. The entry for the September 15, 2017 entry was put in as 24 hours of CBV and then to vacation and then back to CBV by Jack Reall on Telestaff approximately 2 months after the event. Jack Reall made a change to that entry on November 17, 2017 after he was “warned” by Chief O’Connor.<sup>271\</sup>

Evan Schumann, Program Manager, OHTF1, indicated that he could only pay 12 hours of reimbursement for Jack Reall on September 15, 2017.<sup>272</sup> Thus, Jack Reall falsified -19 hours of time to the Division on September 15, 2017 that he was not entitled to have. Evan Schumann was asked if he would be surprised to learn that Jack Reall did not show up to work on September 15, 2017. He indicated that Jack Reall understands how this works and that a lot of Fire Chiefs tell their people that they don’t have to come in, or can take a vacation day, or trade day for the 12 hours but that is between Jack Reall and the Division of Fire.<sup>273</sup> Here, Jack Reall decided to take the whole day off on CBV that he was not entitled to take and did not deduct any time from his log.

### **Hurricane Maria**

Jack Reall provided Doc 12 that indicates he was deployed on September 17, 2017 at 7:00 A.M. until October 7, 2017 at 3:00 P.M. In discussing this deployment with Evan Schumann

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<sup>270</sup> See log entries 65-66

<sup>271</sup> See Telestaff; At 5876-6170 – 2/19/2019 Interview- Jack Reall

<sup>272</sup> At 1059-1063 – Interview- Evan Schumann

<sup>273</sup> At 1059-1086 – Interview- Evan Schumann

this time was not recorded correctly as being authorized by OHTF1 in the deployment and training record provided by him to the Division of Fire, Human Resources Manager. Evan Schumann clarified this time was authorized but he did not correctly report it.<sup>274</sup>

### **Hurricane Florence**

OHTF1 indicates Jack Reall was deployed from September 12-25, 2018. On September 19, 2018 he was on vacation from being deployed so he could work as an independent contractor in order to get paid.<sup>275</sup> Evan Shuman, Program Manager for OHTF1, indicated that Jack Reall switched to an independent contractor on September 17, 2018 at 9:00 A.M.<sup>276</sup> Jack Reall was asked if he thought that was a fair exchange after the City of Columbus allowed him to train on the City's funding, allowed him to be deployed for something that is voluntary and not a part of his job at the Division of Fire, and after he gave himself 500 hours of CBV.<sup>277</sup> His response was that he was trying to work out an arrangement that would be beneficial to the City but instead he submitted to be an independent contractor.<sup>278</sup> Jack Reall confirmed that his participation on OHTF1 is voluntary.<sup>279</sup>

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<sup>274</sup> At 1136-1172 – Interview- Evan Schumann

<sup>275</sup> At 1322-1340 – 2/25/2019 – Interview- Jack Reall; At 1835-1849 – 2/25/2019 Interview- Jack Reall

<sup>276</sup> At 167-168 – Interview with Evan Schumann

<sup>277</sup> At 1354-1354 – 2/25/2019 - Interview- Jack Reall

<sup>278</sup> At 1360-1362 – 2/25/2019 – Interview- Jack Reall- (Jack Reall is referring to his numerous attempt to paid as a non-exempt employee.); At 1848-1849 – 2/25/2019 Interview- Jack Reall

<sup>279</sup> At 1368-1374 – 2/25/2019 Interview- Jack Reall

## **WORKING FOR ANOTHER EMPLOYER WHILE SIMULTANEOUSLY WORKING FOR THE CITY OF COLUMBUS**

Jack Reall was aware that he had to use vacation when he was working for another employer.<sup>280</sup> The following examples provide sufficient evidence to indicate that he purposefully attempted to deceive the City of Columbus that he was doing legitimately volunteering for OHTF1.<sup>281</sup> Recall again that the City of Columbus released employees to appropriately volunteer for OHTF1 and provided the employees with their regular pay and benefits. Thus, the occasions listed below indicated that Jack Reall was concurrently and redundantly paid by both the City of Columbus and another employer. This was no accident, it was purposeful.

Recall that during the investigation, FEMA refused to release pay records to the City of Columbus. However, when FEMA contracted with various state agencies in Virginia, Ohio, and Texas, those records fell under the public records laws of those states. Thus, once the location of the work and agency that Jack Reall worked for was discovered, the appropriate public records could and was requested. These records provided the confirmation that Jack Reall was in fact being concurrently and redundantly paid by the City of Columbus and other employers.

### **Ohio Task Force 1 Training**

OHTF1 indicates Jack Reall was in training from November 6-9, 2017.<sup>282</sup> Jack Reall indicated he used -19 hours of CBV from noon on November 5, 2017 until 7:00 A.M. on

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<sup>280</sup> See 6464-6493 - 2/19/2019 Interview- Jack Reall

<sup>281</sup> For many of the occurrences in this section, Jack Reall put himself in Telestaff that he was working for OHTF1 knowing that he will be paid by another employer. Also, there are many occurrences where he keeps track of the time he believes he is owed in a log based on the improper agreement between himself and Assistant Chief Cannell but often fails to deduct time from this log when working for another employer. Note 263 indicates that he was aware that if he was working for another employer he would need to use vacation.

<sup>282</sup> See M5 – Deployment and Training Document



November 6, 2017.<sup>283</sup> The 19 hours used on November 5, 2017 was not part of the training as indicated by OHTF1's Deployment and Training Document.<sup>284</sup> Jack Reall indicated that purpose of taking 19 hours off on November 5, 2017 was to go over information with HERS instructors and do a final set-up for the class on Monday.<sup>285</sup> He did not deduct this time from his own CBV log for the time he used on November 5, 2017.<sup>286</sup> In Telestaff, Jack Reall put in the notation of "OHTF1."<sup>287</sup> However, Evan Schumann, Program Manager of OHTF1, indicated that he paid Jack Reall for conducting the "HERS" course.<sup>288</sup> OHTF1 paid Jack Reall \$1,078 for the training class on November 6, 2017-November 9,-2017<sup>289</sup> Jack Reall used a "Kelly" day on November 8, 2017 to conduct the training.<sup>290</sup> The 6th, 7th, and 9<sup>th</sup> were non-duty days.

Nevertheless, Jack Reall took -19 hours of CBV in Telestaff on the 5<sup>th</sup> and represented the time as working for OHTF1. Thus, he was working a second job while the City of Columbus believed he was appropriately volunteering for OHTF1. Therefore, he falsified payroll. As an analogy, we would not let a City of Columbus employee take Friday afternoon off, representing that he was conducting City business, and then let the employee set up for their part time job on Saturday. Jack Reall knew that he had to use vacation when he was working for another employer<sup>291</sup> but did not do so on November 5, 2017.

## **Virginia Task Force 2 Training**

October 14-23, 2016

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<sup>283</sup> See 6920-7007 – 2/19/2019 Interview- Jack Reall

<sup>284</sup> See log entries 64-73; See M5 – Deployment and Training Document

<sup>285</sup> See 6920-7007 – 2/19/2019 Interview- Jack Reall

<sup>286</sup> See M3 log entry 65-73

<sup>287</sup> See Telestaff 11/5/2017

<sup>288</sup> At 222-370 – Interview- Evan Schumann; See SCH8; See M17 where OHTF1 makes it look like this class was being given as a part of his regular responsibilities for OHTF1 with no indication to Chief O'Connor that Jack Reall was also being paid \$1078 for this class by OHTF1.

<sup>289</sup> At 514-527 – Interview-Schumann; SCH8.1- purchase order for training

<sup>290</sup> See log entries 64-73; See M5 – Deployment and Training Document

<sup>291</sup> See 6464-6493 - 2/19/2019 Interview- Jack Reall

Jack Reall claims that this time is official training and is documented in Doc 7.<sup>292</sup> Doc 7 is an email from Grant Light who appears to be someone involved with OHTF1. Mr. Light indicates that the training is from October 15-27 and travel days will occur on the 14<sup>th</sup> and the 28<sup>th</sup>. The document indicates that vehicles will be at the warehouse and some members will have to start from there while others will be picked up. They are driving from Dayton, Ohio to Virginia Beach, Virginia in a vehicle caravan. The document also indicates in the email that Jack Reall is a trainer for this event. Jack Reall indicated that he was back at work on October 26, 2016.<sup>293</sup> Again, Jack Reall claimed that this was part of his work for OHTF1.<sup>294</sup> The problem with Jack Reall's description of this training is that it was not an OHTF1 training event.<sup>295</sup>

According to Evan Schumann of OHTF1 this class was not an OHTF1 class but rather a class that is run by Virginia Task Force 2 (VATF2).<sup>296</sup> It has nothing to do with OHTF1.<sup>297</sup> VATF2 runs the course through "Spec Rescue", a private sector contractor, who then contracts and pays instructors for conducting the course.<sup>298</sup> Also, Jack Reall did not deduct any time in his personal log.<sup>299</sup> However, in Telestaff Jack Reall used -96 hours of CBV.<sup>300</sup> Dennis Keene of Virginia Beach Fire, VATF2, indicated in October 11-23, 2016 that Jack Reall taught the structural collapse class and was compensated \$2,200 by spec rescue.<sup>301</sup> Jack Reall indicated that he has trained this class for 10 or 15 years and that he typically takes a group from Ohio.<sup>302</sup> Thus, it would appear that Jack Reall pretended to conduct business for OHTF1 and was paid by VATF2

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<sup>292</sup> See 4637-4654 – 2/19/2019 – Interview- Jack Reall

<sup>293</sup> At 4751 - 2/19/2019 Interview- Jack Reall

<sup>294</sup> At 4753-4765 – 2/19/2019 Interview- Jack Reall

<sup>295</sup> See M5 Deployment and Training Record

<sup>296</sup> At 569-618 – Interview- Evan Schumann

<sup>297</sup> At 1330-1335 – Interview- Evan Schumann

<sup>298</sup> At 573-582 – Interview Evan Schumann

<sup>299</sup> See log 39-41

<sup>300</sup> See log at entries 40-41; At 4693-4695 – 2/19/2019 – Interview- Jack Reall; See Telestaff 1; See OF237

<sup>301</sup> Voice Recording 1; VA1; VA2

<sup>302</sup> At 158-161 – 2/25/2019 Interview- Jack Reall

as a private contractor. Thus, City of Columbus also paid him 96 hours of straight time (CBV) while he was working for another employer and was concurrently and redundantly paid by both. Therefore, he falsified payroll.

### **Texas A&M Engineering Extension Service (TEEX) Training**

January 14, 2016

Jack Reall claims that he was doing a re-write of the Structural Collapse Technician Training program as a subject matter expert in Texas as part of OHTF1.<sup>303</sup> He provided no documentation of the event. He deducted **-24** hours of CBV for January 14, 2016.<sup>304</sup> When asked if he was compensated for it, he said “no” and when asked if it was all part of Ohio Task Force One he said “yeah.”<sup>305</sup> Jack Reall was unable to provide any documentation justifying his absence while working for OHTF1.<sup>306</sup> When asked why he would use time from his log for this date if it was an approved as an OHTF1 event, he indicated that he “just did.”<sup>307</sup> Evan Schumann, OHTF1, indicated that they did not send him to do the re-write of the training.<sup>308</sup> Jack Reall recorded his time on the January 14, 2016 in Telestaff as working for OHTF1.<sup>309</sup> Jack Reall was in Texas on January 10-16, 2016 making \$3,142.45 reviewing course material.<sup>310</sup> Thus, he took 24 hours of CBV pretending he was working for OHTF1 but in reality he was working for another organization while also getting paid concurrently and redundantly by the City of Columbus. Thus, he falsified payroll.

February 26-March 10, 2017

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<sup>303</sup> At 2092-2113 - 2/19/2019 Interview- Jack Reall; See Telestaff

<sup>304</sup> See Log before entry 1; See Telestaff

<sup>305</sup> At 2317-2323 - 2/19/2019 Interview- Jack Reall

<sup>306</sup> At 61-84 - 2/25/19 Interview- Jack Reall

<sup>307</sup> At 3344 - 2/19/2019 Interview- Jack Reall

<sup>308</sup> At 396-479- Interview- Evan Schumann

<sup>309</sup> See Telestaff 1

<sup>310</sup> See TEEX3

Jack Reall was also off from February 26 – March 10, 2017. Jack Reall provided Doc 9 as evidence that he was properly working for OHTF1 for this time. Jack Reall put himself in as working for OHTF1 on Telestaff on February 26; March 1; March 4 (Kelly Day); and March 7, 2017.<sup>311</sup> Evan Schumann from OHTF1 indicated that the time from February 26, 2018-March 7, 2017 was not for OHTF1.<sup>312</sup> Mr. Schumann indicates that the February 28-March 7, 2017 was in fact the development and delivery of a pilot course for TEEX.<sup>313</sup> Mr. Schumann indicated that TEEX was contracted by FEMA to develop and deliver this course.<sup>314</sup> When Mr. Schumann was asked if Jack Reall was paid for his participation, he indicated that he may or may not have been but that he did not have that information available to him.<sup>315</sup> However, documents provided by TEEX during this timeframe show Jack Reall working as a private contractor for TEEX for \$7,085 from February 28, 2017 – March 7, 2017.<sup>316</sup> Thus, Jack Reall was pretending to work for OHTF1 while he was actually working as a contractor. He took no deductions from his log.<sup>317</sup> Jack Reall was asked if this training was a part of his OHTF1 duties and if he got paid for this time. Jack Reall indicated that he did not get paid for it and that it was a part of his OHTF1 duties.<sup>318</sup>

Thus, Jack Reall used -72 hours off claiming he was working for OHTF1 without any justification. No time was deducted from his log for these dates.<sup>319</sup> He also put himself in for vacation for March 10 and then changed March 10<sup>th</sup> to CBV on Telestaff approximately 7 and ½

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<sup>311</sup> See Telestaff1

<sup>312</sup> At 763-767 – Interview- Evan Schumann

<sup>313</sup> At 784-832 – Interview- Evan Schumann

<sup>314</sup> At 456-501; 763-832 - Interview- Evan Schumann

<sup>315</sup> At 456-501; 798-832 - Interview- Evan Schumann

<sup>316</sup> See TEEX4

<sup>317</sup> See log at entry 46-48

<sup>318</sup> At 450-488, 2/25/2019 Interview- Jack Reall

<sup>319</sup> See Log entries at 46, 47, and 48.

months later on November 11, 2017 after he was “warned” by Fire Chief O’Connor.<sup>320</sup> He was charged 24 hours of vacation for March 10, 2017.<sup>321</sup> Nevertheless, on February 26; March 1; and March 7, 2017 Jack Reall claimed to be working for OHTF1 but was working as a private contractor while being paid currently and redundantly by the City of Columbus while being dishonest claiming he was not paid by another employer. Thus, he falsified payroll.

### **Structural Collapse Specialist Courses**

Jack Reall indicated that he was performing a Structural Collapse Specialists (SCS) update. He was asked if this time was through the task force (OHTF1). Jack Reall indicated that it was.<sup>322</sup> He indicated that there was a memo that went out informing all task forces that there would be regional updates around the country for SCS and to send instructors to get trained.<sup>323</sup> He claimed the SCS updates were on behalf of OHTF1 and he was not paid for this work.<sup>324</sup>

The three dates listed on the document provided by Jack Reall indicate that training occurred on: October 11- 12, 2017 in Los Angeles, California; November 14-15, 2017 in College Station, Texas; and December 12-13, 2017, in Virginia Beach, Virginia.<sup>325</sup>

### **October 11-12, 2017**

This training was on October 11-12, 2017 in Los Angeles, California. Jack Reall initially requested 24 hours of CBV and changed it to vacation on November 17, 2017 after he claimed he was warned by Chief O’Connor to watch his time.<sup>326</sup> Jack Reall in log entry 67 writes

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<sup>320</sup> See Telestaff 1; and Telestaff 2, page 1; At 5876-6170 – 2/19/2019 Interview- Jack Reall; OF237 – March 10, 2017

<sup>321</sup> See OF237

<sup>322</sup> At 7004-7054 - 2/19/2019 Interview- Jack Reall; 7102-7121 - 2/19/2019 Interview- Jack Reall;

<sup>323</sup> At 7030-7050 - 2/19/2019 Interview- Jack Reall; 7105-7113 - 2/19/2019 Interview- Jack Reall; DOC 13; At 7091-7103; 2/19/2019 Interview- Jack Reall

<sup>324</sup> See 7102-7121 – 2/19/2019 Interview Jack Reall

<sup>325</sup> See Doc 13

<sup>326</sup> See Telestaff1; See OF237 for October 12, 2017 and the revised OF237 that was received by payroll on November 11, 2017 after he was warned.

“SCSCA” and deducts -24 hours.<sup>327</sup> Jack Reall was paid \$3,200 for this course by Texas A&M Engineering Extension Service (TEEX).<sup>328</sup> Thus, Jack Reall falsified his time as CBV and only changed it to vacation after he was warned on November 11, 2017. Thus, Jack Reall falsified payroll and switched it to vacation a month later after he was aware that he was being watched.

#### **November 14-15, 2017**

This training was on November 14-15, in College Station Texas. Jack Reall requested -24 of CBV on November 14, 2017 and entered TF.<sup>329</sup> He did not deduct time from his log.<sup>330</sup> TEEX was contacted and they provided a Purchase Voucher and other related documents indicating that Jack Reall was paid \$1,200 for providing this training on November 14-15, 2017.<sup>331</sup> Jack Reall denied that he was being paid for this training and indicated that it was part of his service for OHTF1.<sup>332</sup> Payroll indicates that he was paid as straight time for November 14, 2017.<sup>333</sup> Thus, Jack Reall falsified payroll and was paid by both the City of Columbus and a private contractor concurrently and redundantly for this training. Thus, he falsified payroll.

#### **December 12-13, 2017**

This training was on December 12-13, 2017 in Virginia Beach, Virginia. Jack Reall did not have a duty day on either the 12<sup>th</sup> or 13<sup>th</sup>. He did take -24 hours of “OHTF1” on Telestaff for his duty day on December 11, 2017 claiming it was for OHTF1.<sup>334</sup> On his log entry 70 he writes “SCSVA” and deducts -24 hours.<sup>335</sup> He also gave himself +24 hours of time for NFPA but can’t

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<sup>327</sup> See log entry 67

<sup>328</sup> See TEEX 8

<sup>329</sup> See Telestaff1

<sup>330</sup> See log 65-73

<sup>331</sup> See TEEX 5

<sup>332</sup> At 7004-7054 – 2-19-2019 Interview- Jack Reall; At 7100-7121 - 2/19/2019 Interview- Jack Reall

<sup>333</sup> See OF237 and TC2

<sup>334</sup> See Telestaff1

<sup>335</sup> See log entry 70

remember why.<sup>336</sup> Again, Jack Reall claimed December 11, 2017 was a SCS update and that he was on OHTF1 business.<sup>337</sup> Jack Reall denied he was being paid for this training and indicated that it was part of his service for OHTF1.<sup>338</sup> Jack Reall was asked why he deducted SCSVA in his log. Jack Reall claimed at the end of 2017 and beginning of 2018 he started recording less than before.<sup>339</sup> He was asked why he deducted this in his log since these were off duty days and related to OHTF1. Jack Reall stated "I don't know."<sup>340 341</sup>

In fact, Jack Reall was not on OHTF1 business on December 11, 2017 as he indicated in Telestaff.<sup>342</sup> Instead Jack Reall was paid \$1,430 by TEEX for reviewing course material.<sup>343</sup> He was also paid \$1,800 by TEEX for delivering the training on the December 12-13, 2017 and was traveling on December 11, 2017 as a private contractor and not on OHTF1 business.<sup>344</sup> Payroll indicates that he was paid for hours worked on December 11, 2017.<sup>345</sup> Again, as an analogy, we would not let a City of Columbus employee take Friday off, representing that he was conducting City business, in order to travel to their part time job on Saturday. Jack Reall knew that he had to use vacation when he was working for another employer<sup>346</sup> but did not do so on December 11, 2017. Thus, Jack Reall falsified payroll.

### **December 12-13, 2018**

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<sup>336</sup> See log entry at 69; At 714-724

<sup>337</sup> See Telestaff; At 7120-7121 and 7243-7249 - 2/19/2019 Interview- Jack Reall

<sup>338</sup> At 7100-7121 - 2/19/2019 Interview- Jack Reall

<sup>339</sup> At 739-753 - 2/25/2019 Interview- Jack Reall

<sup>340</sup> See 155-779 - 2/25/2019 Interview- Jack Reall

<sup>341</sup> Also during this discussion, Jack Reall lists Paratech and deducts **-24** hours in his log on entry 68. Paratech is a vendor for the City of Columbus and Jack Reall indicates he was at training in Cleveland. Jack Reall was asked why he used 24 hours and why wouldn't the Division just send him to Cleveland if it was needed. When asked if this was done for his side business he indicated that it was not. At 7154-7157 - 2/19/2019 Interview- Jack Reall. This did not appear to be related to the SCS updates

<sup>342</sup> See Telestaff; M5 Deployment and Training Record

<sup>343</sup> See TEEX 2

<sup>344</sup> See TEEX 9; TEEX 10

<sup>345</sup> See TC2

<sup>346</sup> See 6464-6493 - 2/19/2019 Interview- Jack Reall

Jack Reall was providing training for TEEEX on December 12-13, 2018.<sup>347</sup> He was appropriately on vacation during his duty day of December 12, 2018.<sup>348</sup> This is after “The Worm” had sent out the publication in September of 2018.

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<sup>347</sup> See TEEEX 9, 10

<sup>348</sup> See OF237



## EXHIBIT LIST

### Binder 1

1. Telestaff1- work code for all Deputy Chief in the Division of Fire from 1/1/2016-10/2/2018
2. Telestaff2- screenshots of Jack Reall changing entries on Telestaff on 11/17/2017
3. Telestaff3- Telestaff work codes
4. Telestaff4- Telestaff Standard Operating Procedures
5. T1- Special Duty requests from the Fiscal Office for Jack Reall from 1/1/16-12/31/18
6. T1.1- All Special Duty listed in DAX
7. T2- Special Duty in New Orleans
8. T3- Special Duty NFPA
9. T4- Special Duty National Fire Academy
10. T5- Special Duty Water Rescue
11. T6- Special Duty November 2, 2017 to November 17, 2017
12. T7- Special Duty NFPA Washington
13. T8- Special Duty NFPA Florida
14. T9- Special Duty NFPA Florida
15. M1- Email to FIERO
16. M2- Special Operations Unit Reorganization
17. M3-Jack Reall's Log
18. M4- Letter from Assistant Chief James Davis to Chief O'Connor
19. M5- OHTF1- Deployment and Training Document
20. M7- Fire Payroll Callendar for 2016, 2017, and 2018.
21. M8- email from Liz Reed
22. M9- Google Maps directions from Jack Reall's house to Dayton.
23. M10- Letter from "The Worm"
24. M11- Letter from Chief O'Connor regarding CBV
25. M12- Deputy Chief cost per hour of CBV due to replacement
26. M13- Economic impact of CBV inappropriately used by Jack Reall
27. M14- Email to Jack Reall regarding the investigation
28. M14.1- AIU Forms for Jack Reall
29. M15- Letter to Jack Reall from Douglas A. Sarff
30. M16- Letter to Jack Reall from Douglas A. Sarff requesting a release of records
31. M17- Chief O'Connor's OHTF1 file
32. M18- Chief O'Connor's Executive Staff notes
33. M19- Memo tightening up CBV
34. M20- Email explaining Assistant Chief Cannell regarding tightening up CBV
35. M21- Email regarding PR9
36. M22- Email to IAFF
37. TC1- FirePoint Time Card 2016
38. TC2- FirePoint Time Card 2017

39. TC3- FirePoint Time Card 2017
40. TC4- email from Daniel Gatley
41. TC5- OF237, 8/4/17
42. TC6- OF237, 10/27/17
43. TC7- OF237, 3/8/17
44. TC8- Email from Vickie Atkins Loeser
45. PT1- Jack Reall's requests for overtime on PT-14
46. TEEX1- Request for documentation
47. TEEX2- Invoice
48. TEEX3- Purchase Voucher received date 1/22/16
49. TEEX4- Purchase Voucher received date 3/21/17
50. TEEX5- Purchase Voucher received date 2/8/18
51. TEEX6- Multi-Voucher dated 12/7/16
52. TEEX7- Purchase Voucher received date 8/10/15
53. TEEX8- Purchase Voucher received date 10/22/17
54. TEEX9- Purchase Voucher received date 12/19/15
55. TEEX10- Independent Contractor Agreement
56. SCH1- Email from Evan Schumann 4/24/19
57. SCH2- Screen Shot From Evan Schumann
58. SCH2.1- Organizational Chart, OHTF1
59. SCH3- Activation/Demobilization Order Irma
60. SCH4- Activation/Demobilization Order Maria
61. SCH5- Activation/Demobilization Order Matthew
62. SCH6- Activation/Demobilization Order Florence
63. SCH7- Activation/Demobilization Order Florence- Bravo
64. SCH8- Emails from Evan Schumann to Douglas A. Sarff
65. SCH8.1- Emails from Evan Schumann, Jack Reall Professional Service Agreement
66. CSC1- Civil Service Commission Security Agreement 6/23/16
67. CSC2- Civil Service Commission Security Agreement 7/14/16
68. CSC3- Civil Service Commission Security Agreement 7/26/16
69. CSC4- Civil Service Commission Security Agreement 8/1/16
70. CSC5- Civil Service Commission Security Agreement 8/22/16
71. CSC6- Civil Service Commission Security Agreement 9/9/16
72. FEMA1- Email from Vickie Atkins
73. FEMA2- Email from Douglas A. Sarff to Bonnie Sanders
74. FEMA2.2- Email from Douglas A. Sarff to Bonnie Sanders
75. FEMA3- Email from Douglas A. Sarff to David Brummett
76. FEMA4- Email from Douglas A. Sarff to Keith Bryant, U.S. Fire Administrator and Alina Semo FOIA, Ombudsman
77. FEMA5- FEMA contacts
78. FEMA6- FEMA response 11/21/2018
79. FEMA7- FEMA response 12/13/2018
80. FEMA7.5- David Brummett Response

81. FEMA8- FEMA order of services, Jack Reall
82. FEMA 8.1- Email from Jack Reall's Attorney Brad Koffel
83. Doc1 provided by Jack Reall
84. Doc2 provided by Jack Reall
85. Doc3 provided by Jack Reall
86. Doc4 provided by Jack Reall
87. Doc5 provided by Jack Reall
88. Doc5.2 provided by Jack Reall
89. Doc6.1 provided by Jack Reall
90. Doc6.2 provided by Jack Reall
91. Doc7 provided by Jack Reall
92. Doc9 provided by Jack Reall
93. Doc10 provided by Jack Reall
94. Doc11 provided by Jack Reall
95. Doc12 provided by Jack Reall
96. Doc13 provided by Jack Reall
97. Doc 13.1 provided by Jack Reall
98. Doc14 provided by Jack Reall
99. Doc15 provided by Jack Reall
100. Doc16 provided by Jack Reall
101. Doc17 provided by Jack Reall

## **Binder 2**

102. CA1- Email from Cannell
103. CA2- Documents regarding OHTF1, 1-23, from James Cannell
104. VA1- Email from Dennis Keane of VATF2
105. VA2- Email from Dennis Keane of VATF2
106. Reall1- Transcript- Jack Reall 2/19/19
107. Reall2- Transcript- Jack Reall 2/25/19
108. Schumann1- Transcript
109. Cannell1- Transcript- James Cannell 11/29/18
110. Cannell2- Transcript-James Cannell 4/29/19
111. Bice1- Transcript- Stephanie Bice
112. O'Connor1- Transcript- Kevin O'Connor
113. Strahan1- Transcript- Scott Strahan
114. Koser1- Transcript- Shawn Koser
115. Ferguson1- Transcript Patrick Ferguson

## **Binder 3**

116. OF-237 for Unit 1, 2016
117. OF-237 for Unit 1, 2017
118. OF-237 for Unit 1, 2018

## **RECOMMENDATIONS**

1. Immediately suspend operations with Ohio Task Force 1 and review whether this relationship still has value. If the relationship does have value, determine if procedures can be established where the Division of Fire and their personnel are accountable for legitimate training and deployments.
2. Work with the Division of Fire, the Director's Office, and the Auditor's office to change the process for requesting leave and documenting leave to payroll.
3. Require the Division of Fire to update Telestaff codes with definitions and create an updated and workable policy that includes banning any Telestaff code from being used as a code for vacation or comptime.
4. Determine where the special operation assignment should be assigned. Review "professional time" in the I.A.F.F Contract and in the MCP ordinance and determine if it needs to be revised or eliminated.
5. Explore with the City Attorney's Office any potential for criminal prosecution due to dishonesty by Jack Reall in this investigation. Also explore the possibility of a civil lawsuit to pursue and recoup money inappropriately taken from the City of Columbus by Jack Reall and James Cannell.
6. Pursue administrative charges on Jack Reall, James Cannell, and Kevin O'Connor.

7. Review the usage of Kelly Day(s) by Deputy Chiefs and determine if the current usage need to conform with the plain language in Section 36 in the Collective Bargaining Agreement.

## CONCLUSION

Based on the preponderance of the evidence presented, it is recommended that a hearing be scheduled for **Deputy Chief Jack Reall** on the following charges:

RULE 1. DISHONESTY. All employees are expected to be honest at all times in performing all aspects of their jobs for the City of Columbus. Employees shall not lie, deceive, steal, cheat or defraud any City employee or member of the public in any manner. The following acts or omissions demonstrate conduct that is prohibited by this rule. This list of conduct is not exhaustive and does not encompass the totality of behavior prohibited by this rule.

(B) Falsifying or tampering with personnel records, operating records, or other work records and reports, including the unauthorized use or alteration of time cards or other records kept for pay purposes.

(E) Stealing or misappropriating the property of the City of Columbus, including but not limited to physical/tangible property, intellectual property, copyrighted data and documents, and trade secrets.

(G) Performing work for another employer/organization or work related to a private business conducted by an employee during an employee's normal working hours; or when marked off regular work due to personal illness or injury; or to the extent it is inconsistent with an employee's leave restrictions.

(H) Making false or untrue statements regarding work-related matters to management, fellow employees, or a member of the public.

(I) Engaging in any other behavior not specifically listed herein with the intent to lie, steal, cheat, defraud, or otherwise deceive any City employee or a member of the public.

RULE 10. ADDITIONAL STANDARDS OF CONDUCT FOR SUPERVISORS, MANAGERS AND ADMINISTRATORS. Supervisors, managers, and administrators shall follow all of the above rules. Because these employees hold positions of responsibility and trust, they shall be held to a higher standard than the employees they supervise and must conduct themselves with diligence and in a manner above reproach. The following acts or omissions demonstrate conduct that is prohibited by this rule for supervisors, managers, and administrators. This list of conduct is not exhaustive and does not encompass the totality of behavior prohibited by this rule.

(H) Failing to administer and support the policies, directives, or other requirements of the City, or otherwise engaging in conduct that undermines the mission or the reputation of the City.

It is recommended that Jack Reall be terminated from his employment with the City of Columbus.

Based on the preponderance of the evidence presented, it is recommended that a hearing be scheduled for **Assistant Chief James Cannell** on the following charges:

**RULE 1. DISHONESTY.** All employees are expected to be honest at all times in performing all aspects of their jobs for the City of Columbus. Employees shall not lie, deceive, steal, cheat or defraud any City employee or member of the public in any manner. The following acts or omissions demonstrate conduct that is prohibited by this rule. This list of conduct is not exhaustive and does not encompass the totality of behavior prohibited by this rule.

(B) Falsifying or tampering with personnel records, operating records, or other work records and reports, including the unauthorized use or alteration of time cards or other records kept for pay purposes.

(I) Engaging in any other behavior not specifically listed herein with the intent to lie, steal, cheat, defraud, or otherwise deceive any City employee or a member of the public.

**RULE 6. INSUBORDINATION.** All employees are expected to follow any work direction given by a supervisor as long as that direction is not immoral, unethical, unlawful, or dangerous to the health and safety of City employees or members of the public. It is not necessary for supervisors to state the work direction as an order, or to threaten disciplinary action if the employee fails to comply. Employees shall not disobey or refuse to follow orders, policies, or directives from management, and shall be considered insubordinate if they do so. The following acts or omissions demonstrate conduct that is prohibited by this rule. This list of conduct is not exhaustive and does not encompass the totality of behavior prohibited by this rule.

(A) Refusing or failing to carry out or obey work directions or orders, policies, and procedures, whether oral or written, including disregard of the directions or orders of any authorized supervisor or designee.

**RULE 7. NEGLIGENCE OF DUTY.** All employees are expected to perform their work duties during their work hours, to do a competent job in performing those duties, and to work except when they are at lunch or on an approved rest period as authorized by collective bargaining agreement or applicable policy. Employees shall perform their duties correctly and efficiently during their work hours, including any overtime hours. The following acts or omissions demonstrate conduct that is prohibited by this rule. This list of conduct is not exhaustive and does not encompass the totality of behavior prohibited by this rule.

(A) Performing a job assignment carelessly or negligently.

**RULE 10. ADDITIONAL STANDARDS OF CONDUCT FOR SUPERVISORS, MANAGERS AND ADMINISTRATORS.** Supervisors, managers, and administrators shall follow all of the above rules. Because these employees hold positions of

responsibility and trust, they shall be held to a higher standard than the employees they supervise and must conduct themselves with diligence and in a manner above reproach. The following acts or omissions demonstrate conduct that is prohibited by this rule for supervisors, managers, and administrators. This list of conduct is not exhaustive and does not encompass the totality of behavior prohibited by this rule.

(A) Aiding or cooperating with subordinate employees in the violation of work rules, policies, or directives.

(B) Failing to discipline subordinates or to initiate formal disciplinary action against subordinates for violations of work rules, policies, or directives.

(D) Failing to perform supervisory, managerial, or administrative duties competently.

(H) Failing to administer and support the policies, directives, or other requirements of the City, or otherwise engaging in conduct that undermines the mission or the reputation of the City.

It is recommended that James Cannell be terminated from his employment with the City of Columbus.

Based on the preponderance of the evidence presented, it is recommended that a hearing be scheduled for **Chief Kevin O'Connor** on the following charges:

RULE 10. ADDITIONAL STANDARDS OF CONDUCT FOR SUPERVISORS, MANAGERS AND ADMINISTRATORS. Supervisors, managers, and administrators shall follow all of the above rules. Because these employees hold positions of responsibility and trust, they shall be held to a higher standard than the employees they supervise and must conduct themselves with diligence and in a manner above reproach. The following acts or omissions demonstrate conduct that is prohibited by this rule for supervisors, managers, and administrators. This list of conduct is not exhaustive and does not encompass the totality of behavior prohibited by this rule.

(B) Failing to discipline subordinates or to initiate formal disciplinary action against subordinates for violations of work rules, policies, or directives.

(D) Failing to perform supervisory, managerial, or administrative duties competently.

(H) Failing to administer and support the policies, directives, or other requirements of the City, or otherwise engaging in conduct that undermines the mission or the reputation of the City.

It is recommended that Kevin O'Connor serve a 96 hour suspension.